

Erwin Chemerinsky (*pro hac vice*)
echemerinsky@law.berkeley.edu
Claudia Polsky (CA Bar No. 185505)
cpolsky@law.berkeley.edu
U.C. BERKELEY SCHOOL OF LAW
Law Building
Berkeley, CA 94720-7200
Telephone: 510.642.6483

Elizabeth J. Cabraser (CA Bar No. 83151)
ecabraser@lchb.com
Richard M. Heimann (CA Bar No. 63607)
rheimann@lchb.com
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111
Telephone: 415.956.1000

Anthony P. Schoenberg (CA Bar No. 203714)
tschoenberg@fbm.com
Linda S. Gilleran (CA Bar No. 307107)
lgilleran@fbm.com
Kyle A. McLorg (CA Bar No. 332136)
kmclorg@fbm.com
FARELLA BRAUN + MARTEL LLP
One Bush Street, Suite 900
San Francisco, CA 94104
Telephone: 415.954.4400

Attorneys for Plaintiffs and the Proposed Classes
[Additional counsel listed on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

NEETA THAKUR, et al.,

Case No. 3:25-cv-4737-RL

Plaintiffs,

VS

DONALD J. TRUMP et al.

Defendants

**PLAINTIFFS' MOTION FOR LEAVE
TO FILE THIRD AMENDED
COMPLAINT AND MEMORANDUM
OF POINTS AND AUTHORITIES IN
SUPPORT; PROPOSED THIRD
AMENDED COMPLAINT; REDLINE
COMPARISON**

Date: December 18, 2025
Time: 10:00 AM
Judge: The Honorable Rita F. Lin

1 **TO ALL DEFENDANTS: PLEASE TAKE NOTICE** that on December 18, 2025 at
 2 10:00 AM in the Courtroom of the Honorable Rita F. Lin, Courtroom 15, United States District
 3 Court, Northern District of California, 450 Golden Gate Avenue, 18th Floor, San Francisco,
 4 California, Plaintiffs will and hereby do move the Court for an Order granting leave to file their
 5 Third Amended Complaint to add allegations against the Department of Energy, pursuant to the
 6 Federal Rules of Civil Procedure, Rules 15 and 16.

7 The Motion is made on the grounds that Plaintiffs have demonstrated good cause under
 8 Rule 16(b) and satisfied all requirements under Rule 15(a) for leave to amend in order to add
 9 allegations against the Department of Energy (“DOE”), which unlawfully terminated grants to
 10 University of California research on or around October 2, 2025. Plaintiffs further seek to add a
 11 new count under the Fifth Amendment (Equal Protection) against DOE. Plaintiffs’ Proposed Third
 12 Amended Complaint also makes minor updates to some statements, *e.g.*, revising citations to case
 13 law to reflect recent developments.

14 Plaintiffs further respectfully request that this Court issue an order that the Proposed Third
 15 Amended Complaint, which, pursuant to Local Rule 10-1, is attached hereto as **Attachment 1**, is
 16 deemed filed and served as of the date of the granting of this Motion.

17 This Motion is based on the memorandum of points and authorities in support thereof, the
 18 Declarations of Claudia Polsky (“Polsky Decl.”), Louise Wells Bedsworth (“Bedsworth Decl.”),
 19 Plamen Atanassov (“Atanassov Decl.”), and Kyle McLorg (“McLorg Decl.”) in support of the
 20 Motion, and all files and pleadings in this action. Per this Court’s standing order, a redline
 21 comparing the Proposed Third Amended Complaint to the operative Second Amended Complaint
 22 is attached hereto as **Attachment 2**.

23
 24
 25
 26
 27
 28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Plaintiffs seek leave to file a Third Amended Complaint pursuant to Rules 15 and 16 of the
 4 Federal Rules of Civil Procedure.¹ In October 2025, the Department of Energy (“DOE”) abruptly
 5 terminated grants that had been funding work by University of California (“UC”) researchers,
 6 including grants supporting critical clean energy and climate research projects. Atanassov Decl.
 7 ¶¶ 10, 12, 17, 19, 24, 31; Bedsworth Decl. ¶¶ 10, 16-17, 19. These terminations occurred while
 8 researchers were actively engaged in their projects, having begun work and made substantial
 9 progress toward project objectives. Atanassov Decl. ¶¶ 30, 32; Bedsworth Decl. ¶ 15. The
 10 terminations resulted in immediate financial harm to Plaintiffs, including loss of researcher and
 11 staff salaries, elimination of funding for graduate student researchers, and the loss of matching
 12 grants and cost-share contributions from other funding sources. Atanassov Decl. ¶¶ 14, 22, 36;
 13 Bedsworth Decl. ¶ 18.

14 In addition, the terminations targeted awardees researching clean energy, but only in states
 15 where a majority of the citizens voted for the opposition political party, *i.e.*, “Blue States.”
 16 McLorg Decl. ¶¶ 4-5. Specifically: In announcing the terminations, Russell Vought, Director of
 17 the Office of Management and Budget, proclaimed that Defendants were targeting “the Left’s
 18 climate agenda.” *Id.* at Exh. E. He then went out of his way to highlight that “[t]he projects are in
 19 the following states,” listing sixteen states that voted for the Democratic candidates in the most
 20 recent presidential and senatorial elections, including California and Massachusetts. *Id.* Vought
 21 made this announcement the day after President Trump stated: “We can do things during the
 22
 23

24 ¹ Plaintiffs, of course, could file this as a new lawsuit against DOE. But since the issues here
 25 concern the same claims and identical issues as to the other agencies in the existing lawsuit, it is in
 26 the Court’s interest, as well as the parties, to simply amend the Complaint to include the
 27 allegations against DOE. To that end, time is of the essence in restoring these grants, and inclusion
 28 of these new allegations in the existing case promotes judicial economy and efficiency. Atanassov
 Decl. ¶ 36 (“Beyond my personal and professional distress at the instant, unforeseen, and chaotic
 unraveling of ARCHES and the many partnerships I have worked for years to cultivate, I have
 been monetarily and materially harmed by DOE’s decisions to eliminate project funding.”).

1 shutdown that are irreversible, that are bad for [Democrats] and irreversible by them, like . . .
 2 cutting things that they like, cutting programs that they like.” *Id.* at Exh. C.

3 Plaintiffs could not have made these allegations against DOE or included a count under the
 4 Fifth Amendment’s equal protection guarantee when they filed their Second Amended Complaint
 5 on August 29, 2025 (Dkt. No. 112) because the grant terminations did not occur until October
 6 2025. Atanassov Decl. ¶¶ 12, 19, 31; Bedsworth Decl. ¶¶ 16-17.

7 Leave to amend is routinely granted. Further, because Plaintiffs filed this Motion within
 8 weeks of learning of the grant terminations, and the factual basis for the proposed amendment
 9 arose only in October 2025, there will be no prejudice to Defendant.

10 **II. ARGUMENT**

11 To determine whether a proposed amendment to a pleading should be granted after the
 12 deadline set in the scheduling order has passed, courts engage in a two-step inquiry. *See, e.g.,*
 13 *Skillz Platform Inc. v. AviaGames Inc.*, 2023 WL 7308385, at *1 (N.D. Cal. Nov. 6, 2023)
 14 (Freeman, J.); *Cooper Drum Cooperating Parties Grp. v. Am. Polymers Corp.*, 2020 WL
 15 5845983, at *1 (C.D. Cal. Aug. 10, 2020). First, the movant must demonstrate that good cause
 16 exists to amend the scheduling order. *See Fed. R. Civ. P. 16(b)(4)* (“A schedule may be modified
 17 only for good cause and with the judge’s consent.”). Once good cause is shown, the court must
 18 consider whether amendment is proper under Rule 15(a). *Cooper Drum*, 2020 WL 5845983, at *1.

19 **A. Good Cause Exists to Modify the Case Management Order to Allow Plaintiffs**
to Amend Their Complaint.

21 Rule 16(b)’s “good cause standard” considers the “diligence of the party seeking the
 22 amendment . . . [T]he focus of the . . . inquiry is upon the moving party’s reasons for seeking
 23 modification.” *Skillz Platform Inc.*, 2023 WL 7308385, at *1 (citation modified). “Good cause”
 24 may be shown where “pretrial schedule cannot reasonably be met despite the diligence of the party
 25 seeking the extension.” *YYGM S.A. v. Hanger 221 Santa Monica, Inc.*, 2015 WL 12819168, at *1
 26 (C.D. Cal. Feb. 3, 2015) (citation modified).

27 Plaintiffs have been diligent in investigating and pursuing their case and could not bring
 28 their proposed amendment sooner. Polsky Decl. ¶¶ 2, 5-10. Plaintiffs worked for months to gather

1 information related to DOE’s termination of grants to UC researchers, which had been few in
 2 number and thus ill-suited to inclusion in a class action lawsuit.. *Id.* at ¶ 2. That all changed with
 3 the October 2025 terminations, allowing Plaintiffs to bring forward such facts and theories against
 4 DOE. *Id.* at ¶¶ 2, 9. As explained below, once Plaintiffs learned of the October 2025 terminations,
 5 they worked as expediently as possible with the proposed plaintiffs and others to collect the
 6 necessary facts and prepare the amended Complaint. *Id.* at ¶¶ 2, 5-10. With the opportunity to
 7 amend, Plaintiffs also make minor updates to some statements, *e.g.*, revising citations to case law
 8 to reflect recent developments, for accuracy.

9 **B. Courts Liberally Grant Motions for Leave to Amend Pleadings.**

10 Courts should freely give leave to amend a pleading “when justice so requires.” Fed. R.
 11 Civ. P. 15(a)(2). “If the underlying facts or circumstances relied upon by a plaintiff may be a
 12 proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits. In
 13 the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive
 14 on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed,
 15 undue prejudice to the opposing party by virtue of allowance of the amendment, futility of
 16 amendment, etc.—the leave sought should, as the rules require, be ‘freely given.’” *Foman v.*
 17 *Davis*, 371 U.S. 178, 182 (1962). In the Ninth Circuit, the policy favoring amendment “should be
 18 applied with ‘extreme liberality.’” *United States v. Webb*, 655 F.2d 977, 979 (9th Cir. 1981)
 19 (citing *Rosenberg Bros. & Co. v. Arnold*, 283 F.2d 406, 406 (9th Cir. 1960) (per curiam)). “Five
 20 factors are taken into account to assess the propriety of a motion for leave to amend: bad faith,
 21 undue delay, prejudice to the opposing party, futility of amendment, and whether the plaintiff has
 22 previously amended the complaint.” *Johnson v. Buckley*, 356 F.3d 1067, 1077 (9th Cir. 2004). The
 23 “nonmoving party bears the burden of demonstrating why leave to amend should not be granted.”
 24 *Genentech, Inc. v. Abbott Lab’ys*, 127 F.R.D. 529, 530–31 (N.D. Cal. 1989) (Patel, J.). Ultimately,
 25 the decision to grant leave to amend is committed to the sound discretion of the district court.
 26 *Cooper Drum*, 2020 WL 5845983, at *2 (citing *Rich v. Shrader*, 823 F.3d 1205, 1208 (9th Cir.
 27 2016)).

28

1 **1. Plaintiffs Are Not Amending in Bad Faith.**

2 Plaintiffs do not seek to amend their complaint in bad faith. Plaintiffs seek to add
 3 allegations against DOE, which terminated grants to UC researchers in early October 2025, and a
 4 new count under the Fifth Amendment (Due Process/Equal Protection) against DOE. Plaintiffs
 5 further seek to add facts about the impact of such terminations on two proposed class
 6 representatives, Dr. Plamen Atanassov and Dr. Louise Bedsworth. The information was not
 7 available to Plaintiffs prior to the filing of their previous complaint in August 2025, given that the
 8 grants were not terminated until October 2025. Polsky Decl. ¶¶ 2, 8-9. Plaintiffs also make minor
 9 updates to some statements, *e.g.*, revising citations to case law to reflect recent developments, for
 10 accuracy.

11 **2. Plaintiffs Did Not Unduly Delay in Seeking Leave to Amend Their
 12 Complaint.**

13 There has been no undue delay here, and in any event, delay alone is an insufficient basis
 14 to deny leave to amend. *See Abels v. JBC Legal Grp., P.C.*, 229 F.R.D. 152, 156 (N.D. Cal. 2005)
 15 (Ware, J.) (finding no undue delay when approximately one month after identifying the true owner
 16 of the underlying debt, the plaintiff moved to amend). Plaintiffs filed this Motion as soon as
 17 practicable following the October terminations. Specifically, counsel for Plaintiffs, Claudia
 18 Polsky, inquired with faculty members at multiple UC campuses to obtain information about
 19 grants DOE terminated. Polsky Decl. ¶ 5. Ms. Polsky spoke with more than seven different
 20 employees across multiple UC campuses as well as Lawrence Berkeley National Laboratory. *Id.*
 21 These efforts were delayed and complicated by several factors. *Id.* at ¶¶ 5, 9. For example, Ms.
 22 Polsky sought to obtain information and documents about DOE's termination of an award to the
 23 Alliance for Renewable Clean Energy Systems ("ARCHES"). *Id.* at ¶ 4. However, the Executive
 24 Director of ARCHES was fired in early November because of cash-flow problems arising from
 25 DOE's termination of the ARCHES project. *Id.* at ¶ 5. As a result of her firing, she was locked out
 26 of her computer and could not access documents concerning the project. *Id.* Additionally, the
 27 Chief Technology Officer for ARCHES was on a boat during this time period with minimal
 28 connectivity. *Id.* In light of these logistical obstacles, Plaintiffs did not unduly delay in bringing

1 this Motion.

2 **3. Defendants Will Not Be Prejudiced by the Amendment.**

3 Any potential prejudice resulting from amendment “carries the greatest weight” in the
 4 court’s analysis. *Eminence Cap., LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003).
 5 However, “[t]o deny leave to amend, the prejudice **must be substantial.**” *Abels*, 229 F.R.D. at 156
 6 (citation omitted) (emphasis added). Defendants will suffer no prejudice as a result of Plaintiffs
 7 filing their Third Amended Complaint. This litigation is still in the early stages. The parties agreed
 8 that, if the Court grants this Motion, then DOE would be able to produce an administrative record
 9 on January 9, 2026. Dkt. No. 151 (Stipulation for Modification of Scheduling Order (ECF No.
 10 125)); *see also* Dkt. No. 152 (granting stipulation, as modified). It will be another two months
 11 (March 9, 2026) before Plaintiffs file their motion for summary judgment and class certification.
 12 Dkt. No. 152. In other words, Defendants have conceded through stipulation that they have
 13 sufficient time to prepare the administrative record and prepare their opposition to Plaintiffs’
 14 motion for summary judgment, which opposition is due April 27, 2026. *Id.*

15 **4. Plaintiffs’ Proposed Amendment Is Not Futile.**

16 “[A] proposed amendment is futile only if no set of facts can be proved under the
 17 amendment to the pleadings that would constitute a valid and sufficient claim or defense.” *McFall*
 18 *v. Stacy and Witbeck, Inc.*, 2016 WL 2851589, at *3 (N.D. Cal. May 16, 2016) (Corley, M.J.)
 19 (citation modified). Denial of leave to amend for futility is disfavored. *Netbula, LLC v. Distinct*
 20 *Corp.*, 212 F.R.D. 534, 539 (N.D. Cal. 2003) (Larson, M. J.). “Ordinarily, courts will defer
 21 consideration of challenges to the merits of a proposed amended pleading until after leave to
 22 amend is granted and the amended pleading is filed.” *Id.*

23 Here, Plaintiffs’ amendment is not futile because the additional allegations support
 24 Plaintiffs’ Constitutional and statutory claims. This Court has already determined that form
 25 termination letters violate the Administrative Procedure Act (“APA”). Dkt. Nos. 55, 134. Here,
 26 too, the DOE termination letters fail to meet the requirements of the APA as they do not “provide
 27 a grant-specific explanation for the termination that states the reason for the change to the original
 28 award decision” nor do they “consider[] the reliance interests at stake.” *Id.*; Atanassov Decl. ¶¶ 12,

1 20 (stating identical reasons for termination). As it did with the National Science Foundation,
 2 National Endowment for the Humanities, Environmental Protection Agency, Department of
 3 Defense, Department of Transportation and National Institutes of Health, this Court can restore
 4 grants terminated via form termination letters.

5 Further, the DOE termination letters also suffer from a novel legal infirmity that is
 6 premised on the Equal Protection guarantee of the Fifth Amendment because the terminations
 7 occurred only in states where a majority of the citizens voted for the opposition political party.
 8 McLorg Decl. ¶¶ 4-5. Again, since this Court can restore grants that were unlawfully terminated,
 9 Plaintiffs' proposed amendment is not futile.

10 **5. Plaintiffs' Previous Amendments Are Not Dispositive.**

11 While Plaintiffs have twice previously amended their complaint, leave to amend still can
 12 and should be granted. *See Eminence Cap.*, 316 F.3d at 1053 (reversing the lower court's denial of
 13 leave to amend despite the plaintiff already having amended three times).

14 **III. CONCLUSION**

15 For the foregoing reasons, the Plaintiffs should be granted leave to file their Third
 16 Amended Complaint. Plaintiffs have demonstrated good cause under Rule 16(b) and satisfied all
 17 requirements under Rule 15(a) for leave to amend.

18

19

20

21

22

23

24

25

26

27

28

1 Dated: November 24, 2025

2 By: /s/ Linda S. Gilleran

3 Anthony P. Schoenberg (State Bar No. 203714)
4 tschoenberg@fbm.com
Donald Sobelman (State Bar No. 184028)
5 dsobelman@fbm.com
Linda S. Gilleran (State Bar No. 307107)
lgilleran@fbm.com
Dylan M. Silva (State Bar No. 306363)
6 dmsilva@fbm.com
Kyle A. McLorg (State Bar No. 332136)
7 kmclorg@fbm.com
Katherine T. Balkoski (State Bar No. 353366)
8 kbalkoski@fbm.com
FARELLA BRAUN + MARTEL LLP
9 One Bush Street, Suite 900
San Francisco, CA 94104
10 Telephone: (415) 954-4400

11 By: /s/ Claudia Polsky

12 Erwin Chemerinsky (*pro hac vice*)
echemerinsky@law.berkeley.edu
13 Claudia Polsky (State Bar No. 185505)
cpolsky@law.berkeley.edu
U.C. BERKELEY SCHOOL OF LAW
14 Law Building
Berkeley, CA 94720-7200
15 Telephone: (510) 642-6483

16 Elizabeth J. Cabraser (State Bar No. 83151)
ecabraser@lchb.com
Richard M. Heimann (State Bar No. 63607)
rheimann@lchb.com
18 Kevin R. Budner (State Bar No. 287271)
kbudner@lchb.com
Annie M. Wanless (State Bar No. 339635)
awanless@lchb.com
20 Nabila M. Abdallah (State Bar No. 347764)
nabdallah@lchb.com
21 LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
22 275 Battery Street, 29th Floor
San Francisco, CA 94111
23 Telephone: (415) 956-1000

24 *Attorneys for Plaintiffs and the Proposed Class*

FILER'S ATTESTATION

Pursuant to Civil Local Rule 5.1, the undersigned attests that all parties have concurred in the filing of this PLAINTIFFS' MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT.

Dated: November 24, 2025

By: /s/ Linda S. Gilleran

Anthony P. Schoenberg (State Bar No. 203714)
 tschoenberg@fbm.com
 Donald Sobelman (State Bar No. 184028)
 dsobelman@fbm.com
 Linda S. Gilleran (State Bar No. 307107)
 lgilleran@fbm.com
 Dylan M. Silva (State Bar No. 306363)
 dmsilva@fbm.com
 Kyle A. McLorg (State Bar No. 332136)
 kmclorg@fbm.com
 Katherine T. Balkoski (State Bar No. 353366)
 kbalkoski@fbm.com
 FARELLA BRAUN + MARTEL LLP
 One Bush Street, Suite 900
 San Francisco, CA 94104
 Telephone: (415) 954-4400

Erwin Chemerinsky (*pro hac vice*)
 echemerinsky@law.berkeley.edu
 Claudia Polksky (State Bar No. 185505)
 cpolsky@law.berkeley.edu
 U.C. BERKELEY SCHOOL OF LAW
 Law Building
 Berkeley, CA 94720-7200
 Telephone: (510) 642-6483

Elizabeth J. Cabraser (State Bar No. 83151)
 ecabraser@lchb.com
 Richard M. Heimann (State Bar No. 63607)
 rheimann@lchb.com
 Kevin R. Budner (State Bar No. 287271)
 kbudner@lchb.com
 Annie M. Wanless (State Bar No. 339635)
 awanless@lchb.com
 Nabila M. Abdallah (State Bar No. 347764)
 nabdallah@lchb.com
 LIEFF CABRASER HEIMANN &
 BERNSTEIN, LLP
 275 Battery Street, 29th Floor
 San Francisco, CA 94111
 Telephone: (415) 956-1000

Attorneys for Plaintiffs and the Proposed Class

ATTACHMENT 1

Erwin Chemerinsky (*pro hac vice*)
echemerinsky@law.berkeley.edu
Claudia Polsky (CA Bar No. 185505)
cpolsky@law.berkeley.edu
U.C. BERKELEY SCHOOL OF LAW
Law Building
Berkeley, CA 94720-7200
Telephone: 510.642.6483

Elizabeth J. Cabraser (CA Bar No. 83151)
ecabraser@lchb.com
Richard M. Heimann (CA Bar No. 63607)
rheimann@lchb.com
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111
Telephone: 415.956.1000

Anthony P. Schoenberg (CA Bar No. 203714)
tschoenberg@fbm.com
Linda S. Gilleran (CA Bar No. 307107)
lgilleran@fbm.com
FARELLA BRAUN + MARTEL LLP
One Bush Street, Suite 900
San Francisco, CA 94104
Telephone: 415. 954.4400

Attorneys for Plaintiffs and the Proposed Class
[Additional counsel listed on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

NEETA THAKUR, KEN ALEX, NELL GREEN NYLEN, ROBERT HIRST, CHRISTINE PHILLIOU, JEDDA FOREMAN, ELI BERMAN, SUSAN HANDY, MARCUS HORWITZ, ALEXANDER VAN DER BLIEK, RHONDA VOSKUHL, PLAMEN ATANASSOV, and LOUISE BEDSWORTH on behalf of themselves and all others similarly situated.

Case No. 3:25-cv-4737

**[PROPOSED] THIRD AMENDED
CLASS ACTION COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

Plaintiffs,

V.

DONALD J. TRUMP, in his official capacity as President of the United States;
DEPARTMENT OF GOVERNMENT
EFFICIENCY ("DOGE");

[PROPOSED] THIRD AMENDED CLASS ACTION
COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF

1 AMY GLEASON, in her official capacity as
 2 Acting Administrator of the Department of
 3 Government Efficiency;
 4 NATIONAL SCIENCE FOUNDATION;
 5 BRIAN STONE, in his official capacity as
 6 Acting Director of the National Science
 7 Foundation;
 8 NATIONAL ENDOWMENT FOR THE
 9 HUMANITIES;
 10 MICHAEL MCDONALD, in his official
 11 capacity as Acting Chairman of the National
 12 Endowment for the Humanities;
 13 UNITED STATES ENVIRONMENTAL
 14 PROTECTION AGENCY;
 15 LEE ZELDIN, in his official capacity as
 16 Administrator of the U.S. Environmental
 17 Protection Agency;
 18 UNITED STATES DEPARTMENT OF
 19 AGRICULTURE;
 20 BROOKE ROLLINS, in her official capacity as
 21 Secretary of the U.S. Department of Agriculture;
 22 AMERICORPS (a.k.a. the CORPORATION
 23 FOR NATIONAL AND COMMUNITY
 24 SERVICE);
 25 JENNIFER BASTRESS TAHMASEBI, in her
 26 official capacity as Interim Agency Head of
 27 AmeriCorps;
 28 UNITED STATES DEPARTMENT OF
 DEFENSE;
 PETE HEGSETH, in his official capacity as
 Secretary of the U.S. Department of Defense;
 UNITED STATES DEPARTMENT OF
 EDUCATION;
 LINDA McMAHON, in her official capacity as
 Secretary of the U.S. Department of Education;
 UNITED STATES DEPARTMENT OF
 ENERGY;
 CHRIS WRIGHT, in his official capacity as
 Secretary of Energy;
 UNITED STATES DEPARTMENT OF
 HEALTH AND HUMAN SERVICES;
 ROBERT F. KENNEDY, JR., in his official
 capacity as Secretary of the U.S. Department of
 Health and Human Services;
 UNITED STATES CENTERS FOR DISEASE
 CONTROL;
 MATTHEW BUZZELLI, in his official capacity
 as Acting Director of the Centers for Disease
 Control;
 UNITED STATES FOOD AND DRUG
 ADMINISTRATION;
 MARTIN A. MAKARY, in his official capacity
 as Commissioner of the Food and Drug
 Administration;
 UNITED STATES NATIONAL INSTITUTES

1 OF HEALTH;
2 JAYANTA BHATTACHARYA, in his official
3 capacity as Director of the National Institutes of
4 Health;
5 INSTITUTE OF MUSEUM AND LIBRARY
6 SERVICES;
7 KEITH SONDERLING, in his official capacity
8 as Acting Director of the Institute of Museum
and Library Services;
9 UNITED STATES DEPARTMENT OF THE
INTERIOR;
10 DOUG BURGUM, in his official capacity as
Secretary of the Interior;
11 UNITED STATES DEPARTMENT OF STATE;
12 MARCO RUBIO, in his official capacity as
Secretary of the U.S. Department of State;
13 DEPARTMENT OF TRANSPORTATION;
14 SEAN DUFFY, in his official capacity as
Secretary for the U.S. Department of
Transportation,
15 Defendants.

16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF CONTENTS

	Page
INTRODUCTION	1
JURISDICTION AND VENUE	6
THE PARTIES	7
A. Plaintiffs	7
B. Defendants.....	8
CLASS ALLEGATIONS	12
FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS	17
I. Throughout Decades of Federal Funding, the UC System Has Made Leading Contributions to Research that Benefit the Public	17
II. Congress's Power of the Purse Makes Illegal the Mass Termination of Grants at the President's Direction	21
III. President Trump Issues a Flurry of Executive Orders and Creates DOGE, Unlawfully Directing Agencies to Terminate Grants	23
IV. Agencies that Terminated Lead Plaintiffs' Grants Have Acted According to a Common Unlawful Pattern	27
A. Environmental Protection Agency	28
1. Congress Established the EPA to Protect the Environment, Including Through Research	29
2. In Response to Trump Administration Directives, the EPA Improperly Changed Priorities and Canceled Existing Grants	33
3. EPA Plaintiffs and Other Grant Recipients Are Harmed by EPA's Illegal Grant Terminations	38
a. Plaintiff Neeta Thakur's Grant Termination and Resulting Harm.....	39
b. Plaintiff Ken Alex's Grant Termination and Resulting Harm	43
c. Plaintiff Nell Green Nylen's Grant Terminations and Resulting Harm	45
B. National Endowment for the Humanities.....	51
1. Congress Established NEH to Fund Projects to Support Humanities Research, Training, and Education	51
2. In Response to Trump Administration Directives, NEH Improperly Changed Priorities and Canceled Existing Grants	56
3. NEH Plaintiffs And Other Grant Recipients Are Harmed by NEH's Illegal Grant Terminations	61
a. Plaintiff Robert Hirst's Grant Termination and Resulting Harm.....	62
b. Plaintiff Christine Philliou's Grant Termination and Resulting Harm	66
C. National Science Foundation	69

1
2 **TABLE OF CONTENTS**
3 (continued)
4

		Page
2.	Congress Established the National Science Foundation to Promote Scientific Research on a Broad Scale to Advance the United States' National Interests	69
3.	In Response to Trump Administration Directives, NSF Improperly Changed Priorities and Canceled Existing Grants	73
4.	NSF Plaintiff and Other Grant Recipients Are Harmed by NSF's Illegal Grant Terminations	78
a.	Plaintiff Jedda Foreman's Grant Terminations and Resulting Harm.....	78
D.	Department of Defense	83
1.	Congress Established DOD to Create a Comprehensive Program Dedicated to Ensuring the Future Security of the United States, Including Through Research	83
2.	In Response to Trump Administration Directives, DOD Improperly Changed Priorities and Canceled Existing Grants	89
3.	DOD Plaintiff and Other Grant Recipients Are Harmed by DOD's Illegal Grant Terminations	91
a.	Plaintiff Eli Berman's Grant Termination and Resulting Harm.....	91
E.	Department of Transportation	96
1.	Congress Established DOT to Promote the Safety, Quality, and Efficiency of the Nation's Transportation Services, Including Through Research	96
2.	In Response to Trump Administration Directives, DOT Improperly Changed Priorities and Canceled Existing Grants	102
3.	DOT Plaintiff and Other Grant Recipients Are Harmed by DOT's Illegal Grant Terminations	107
b.	Plaintiff Susan Handy's Grant Terminations and Resulting Harm.....	107
F.	Department of Health and Human Services and National Institutes of Health	112
1.	Congress Established NIH to Fund Medical Research on a Broad Scale to Advance Human Health and Well-Being in the United States	113
2.	In Response to Trump Administration Directives, HHS Through NIH Improperly Changed Priorities and Canceled Existing Grants	125
3.	NIH Plaintiffs and Other Grant Recipients Are Harmed by NIH's Illegal Grant Terminations	130
a.	Plaintiff Marcus A. Horwitz's Grant Termination and Resulting Harm	131
	NIH TB Vaccine Grant Application and Award.....	131
	NIH Latent TB Treatment Grant Application and Award	132

1
2 **TABLE OF CONTENTS**
3 (continued)
4

		Page
3	b. Plaintiff Alexander Van Der Bliek's Grant Termination and Resulting Harm	135
4	c. Plaintiff Rhonda Voskuhl's Grant Termination and Resulting Harm	138
5	G. The Department of Energy	141
6	1. Congress created the Department of Energy to promote energy research, innovation, and conservation; to promote U.S. energy independence; and to develop alternatives to fossil fuels.	141
7	2. In Response to Trump Administration Directives, DOE Improperly Changed Priorities and Canceled Existing Grants	141
8	3. DOE Terminates Funding to Awardees Exclusively in "Blue" States	143
9	4. DOE Plaintiffs and Other Grant Recipients Are Harmed by DOE's Illegal Grant Terminations	146
10	a. Plaintiff Plamen Atanassov's Grant Terminations and Resulting Harm	146
11	b. Plaintiff Louise Bedsworth's Grant Termination and Resulting Harm	154
12	H. Allegations Against Additional Federal Agency Defendants	157
13	1. Department of Agriculture	157
14	2. AmeriCorps	158
15	3. Department of Education	160
16	4. Institute of Museum and Library Services	161
17	5. Department of the Interior, including National Park Service	162
18	6. Department of State, including USAID	163
19	V. The Trump Administration Is Threatening Additional, Illegal Funding Cuts to the UC System	163
20	VI. Unless Enjoined, Grant Terminations Will Cause Irreparable Harm to Plaintiffs, the Class, and the Nation.....	164
21	CLAIMS FOR RELIEF	165
22	COUNT I Implied Right of Action, Nonstatutory Review, and <i>Ultra Vires</i> Actions; Violation of Separation of Powers	165
23	COUNT II Implied Right of Action, Nonstatutory Review, and <i>Ultra Vires</i> Actions; Violation of First Amendment (Content and Viewpoint Discrimination)	166
24	COUNT III Implied Right of Action, Nonstatutory Review, and <i>Ultra Vires</i> Actions; Violation of Fifth Amendment (Due Process / Equal Protection)	167
25	COUNT IV Implied Right of Action, Nonstatutory Review, and <i>Ultra Vires</i> Actions; Violation of Fifth Amendment (Due Process / Void for Vagueness)	168

TABLE OF CONTENTS (continued)

2		Page
3	COUNT V Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (C): Contrary to Law; Illegal Departure from Impoundment Control Act, Statutes, and Regulations.....	169
4		
5	COUNT VI Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A): Arbitrary and Capricious Failure to Engage in Reasoned Decision-making	170
6	PRAAYER FOR RELIEF.....	172

1 Plaintiffs, individually and on behalf of all others similarly situated, allege for their
 2 Complaint against the below-named Defendants as follows:

3 **INTRODUCTION**

4 1. This class action for declaratory and injunctive relief is brought by and
 5 on behalf of University of California researchers whose previously approved grants from the
 6 federal agencies here named as Defendants have been or are threatened to be unlawfully
 7 terminated or suspended. These terminations and suspensions occurred pursuant to Executive
 8 Orders or other directives of Defendant President Donald J. Trump, issued from January 20,
 9 2025 to present, that were implemented through Defendant Department of Government
 10 Efficiency (“DOGE”) and then operationalized by myriad administrative agencies.

11 2. Plaintiffs challenge these terminations and seek a declaration that they
 12 are unconstitutional and otherwise unlawful because they violate the bedrock constitutional
 13 principle of separation of powers; the First Amendment guarantee of free speech; the Fifth
 14 Amendment guarantee of due process; the Impoundment Control Act of 1974; statutes
 15 requiring agencies to fulfill congressionally defined missions; and the Administrative
 16 Procedure Act (“APA”). These terminations bypassed Congress, ignored or contradicted the
 17 purposes for which Congress created the granting agencies and appropriated funds, and
 18 dispensed with the regular procedures and due process afforded grantees under the APA, in
 19 implementing the Trump Administration’s political “cost-cutting” agenda and ideological
 20 purity campaign.

21 3. Plaintiffs seek, for themselves and the UC researchers class, an
 22 injunction that restores their lost funding, enjoins further unlawful grant terminations or
 23 suspensions, and provides the grant extensions necessary to enable them to effectively
 24 complete the work for which these grants were approved. Plaintiffs and the Class are
 25 suffering, or will imminently suffer, concrete harm to their research, their careers, and their
 26 professional standing.

27 4. As used in this Complaint, “UC researchers” includes UC faculty, staff,
 28 academic appointees, and employees, across the ten-campus University of California system,

1 who are or will imminently be suffering loss of research funding, research cessation or
 2 interruption, or loss or reduction of employment, by the termination or suspension of
 3 previously approved grants since January 20, 2025.

4 5. Grants to UC researchers each year from federal agencies as diverse as
 5 the National Science Foundation, National Institutes of Health, Department of Transportation,
 6 and Food and Drug Administration, ranging from thousands to millions of dollars, fund the
 7 production of new knowledge and fuel the development and deployment of discoveries useful
 8 to society.

9 6. Federal grants have been key to the innovation that has consistently
 10 earned the UC system pride of place among research institutions, including first place in the
 11 National Academy of Inventors' list of universities worldwide with the most utility patents¹
 12 and the UC Berkeley campus's rank of #1 public research in institution in the world for nine
 13 of the past ten years.²

14 7. Before President Trump took office, federal agency grant making
 15 proceeded under the authority of Congress, which created agencies through its
 16 constitutionally assigned exclusive legislative power, and appropriated taxpayer funds for
 17 specific public purposes that the agencies were tasked to execute. For decades, agencies
 18 carried out these statutory directives and observed due process in making, renewing, and (only
 19 seldom) terminating grants. They each adhered to their own grant regulations, duly
 20 promulgated through notice and comment rulemaking under the APA, and followed APA
 21 procedures when modifying such regulations.

22 8. As a corollary, on the rare occasions when agencies terminated grants,
 23 they did so pursuant to predictable, regularized processes; based terminations on proper
 24

25 ¹ Univ. of Cal., Office of the President, *Federal Investment in UC Research 2025* (2025),
 26 https://ucop.edu/communications/_files/federal-investment-in-uc-research-2025.pdf.

27 ² Public Affairs, *Times Higher Ed Ranks UC Berkeley No. 1 Public University in U.S.*, UC
 28 Berkeley News (Oct. 9, 2024), <https://news.berkeley.edu/2024/10/09/times-higher-ed-ranks-uc-berkeley-no-1-public-university-in-u-s/#:~:text=Berkeley%20has%20held%20the%20ranking,industry%20engagement%20and%20international%20outlook>.

1 review and evaluation of grantees' activities to assure compliance with the terms and purpose
 2 of the awarded grants; and terminated grants only for reasons stated in applicable regulations.

3 9. All of this changed abruptly on January 20, 2025, when Defendant
 4 Trump attempted to seize direct control of federal agencies by bypassing Congress and
 5 upending the statutory and regulatory system under which federal agencies have historically
 6 and legally operated.

7 10. On and after January 20, 2025, Defendants Trump and DOGE, through
 8 a flurry of Executive Orders and other directives, commanded the federal agencies named as
 9 Defendants in this Complaint ("Federal Agency Defendants") to terminate thousands of
 10 previously awarded research grants.

11 11. Abrupt, wholesale, and unilateral termination of these grants has
 12 violated the Constitution's core principle of separation of powers and its guarantees of
 13 freedom of speech and due process; flouted the Impoundment Control Act limits on the
 14 Executive's ability to withhold or redirect congressionally appropriated money; ignored
 15 statutory requirements that agencies fulfill their substantive missions and fund
 16 congressionally specified activities; contravened agency-specific grant-making regulations
 17 that cannot by law be revised on an abrupt, unexplained, chaotic basis; and violated the APA
 18 through this arbitrary, capricious, and *ultra vires* conduct.

19 12. The "Wall of Receipts" on the DOGE website boasts that federal
 20 agencies have terminated over 15,000 grants pursuant to DOGE's directions to date, reflecting
 21 terminations on a mass scale.³

22 13. Agencies' proffered grounds for such terminations—if grounds were
 23 stated at all—were spurious. In some cases, agency correspondence to grantees asserted that
 24 grant termination would reduce public costs and promote government efficiency, although no
 25 evidence was provided to support this claim. In other cases, agency communications made it

27 ³ Department of Government Efficiency, *Wall of Receipts*, DOGE.gov, <https://doge.gov/savings>
 28 (last visited May 30, 2025). While of questionable accuracy, the data displayed on the DOGE
 website demonstrate the Trump/DOGE objective: massive cuts to already appropriated and
 approved grants, without regard to merit.

1 clear that grants were being terminated to further Defendant Trump's political objectives,
 2 which included the elimination of research on climate, environmental justice, "gender
 3 ideology," and "DEI" (diversity, equity, and inclusion), although the latter terms were not
 4 defined.

5 14. The agencies that terminated grants did so on a categorical, *en masse*
 6 basis, without individual review or regard to a project's merit or a grantee's progress, and
 7 without any semblance of due process. The terminated and threatened grants that are the
 8 subject of this action were not terminated because they violated the terms of their grant
 9 applications or grant approvals, or strayed from the subject matter or purpose for which they
 10 were funded. Such deficiencies could have been addressed in the normal and ordered course
 11 of grant-making and review. To the contrary: these grant terminations were and are occurring,
 12 as their timing and reflection of the 2025 Executive Orders demonstrates, not because the
 13 research for which funding was approved had departed from its originally approved purpose,
 14 but because that purpose now offends the political agenda and ideological requirements of the
 15 Trump Administration.

16 15. Plaintiffs do not seek an Order immunizing all grants from termination
 17 or review, or changing agency grantmaking procedures as they existed prior to January 20,
 18 2025. They do seek a return to the *status quo ante* of ordered grant processes, aligned with
 19 congressionally authorized purposes, and affording due process to grant recipients. This return
 20 to procedures that prevailed prior to January 20, 2025, and conformed to the norms of due
 21 process and the APA, by federal agencies that defer not to unilateral Executive dictates but to
 22 congressional authority, is the essential relief Plaintiffs seek.

23 16. Examining similar unlawful executive branch conduct by Defendants
 24 Trump and DOGE in the attempted reorganization (and gutting) of entire agencies, and the
 25 mass termination of hundreds of thousands of federal employees, the United States District
 26 Court (Illston, J.) stated in its May 22, 2025 Order Granting Preliminary Injunction in
 27 *American Federation of Government Employees, AFL-CIO v. Trump*. 784 F. Supp. 3d 1316
 28

1 (May 22, 2025), vacated and remanded by *Am. Fed'n of Gov't Emps. v. Trump*, __ F.4th __,
 2 2025 WL 2716266 (Sept. 19, 2025):

3 Presidents may set policy priorities for the executive branch, and
 4 agency heads may implement them. This much is undisputed. But
 5 Congress creates federal agencies, funds them, and gives them duties
 6 that—by statute—they must carry out. Agencies may not conduct
 7 large-scale reorganizations and reductions in force in blatant
 8 disregard of Congress’ mandates, and a President may not initiate
 9 large-scale executive branch reorganization without partnering with
 Congress. For this reason, nine Presidents over the last one hundred
 years have sought and obtained authority from Congress to
 reorganize the executive branch. Other Presidents—including
 President George W. Bush, President Obama, and President Trump
 in his first term—asked Congress for agency reorganization authority
 but did not receive it.

10 17. In denying Defendants’ request for a stay of the preliminary injunction
 11 in that case, the Ninth Circuit reaffirmed the bedrock principles that administrative agencies
 12 are creatures of Congress, not the President, and that “Congress has plenary control over the
 13 salary, duties, and even existence of federal offices.” *Am. Fed'n of Gov't Emps. v. Trump*, 139
 14 F.4th 1020, 1033 (May 30, 2025) (citing *Free Enter. Fund v. Pub. Co. Acct. Oversight Bd.*,
 15 561 U.S. 477,500 (2010)).

16 18. Here, Defendants have engaged in the same unprecedented and
 17 unlawful overreach described and enjoined above, in the context of mass terminations of
 18 research grants. Their playbook involves a trifecta of illegal moves. First, Defendant Trump
 19 issued facially unconstitutional Executive Orders and directives that usurped congressional
 20 authority and unlawfully discriminated against disfavored speech. Second, acting on
 21 presidential instruction, Defendant DOGE commanded agencies to adopt Trump’s policies as
 22 their own by terminating scores of already awarded grants, notwithstanding that DOGE
 23 (whose own status as a governmental entity remains unclear) lacks legal authority to supervise
 24 administrative agencies. Third and finally, Federal Agency Defendants terminated grants on
 25 the stated basis that they were inconsistent with *agency priorities*, or otherwise in tension with
 26 Executive Orders and directives, when in fact the grants’ inconsistency was with *executive*
 27

28

preferences. In so doing, agencies violated their statutory mandates, the APA, the constitutional Due Process guarantee, and their own regulations.

19. Plaintiff UC researchers have suffered concrete financial, professional, and other harms from Federal Agency Defendants' unilateral termination of grants for projects to which they have already dedicated time and effort; for research upon which they have staked careers and reputations; and for work with research teams through which they endeavored to train a next generation. Without judicial relief, these researchers will suffer irreparable injury to their research and their careers.

20. As profoundly, these terminations have impaired and will impair the public-serving research mission of the UC system and the concern for public welfare that undergirds it.

21. All of the Defendants' conduct, and the Plaintiffs' and Class members' resulting harm, proceeds directly from Defendant Trump's determination to erase the constitutional boundaries that separate the branches of government and assign defined powers to each. Specifically, the mass termination of federal agency grants that is the subject of this action proceeds from Defendant Trump's efforts to arrogate the law-making powers of Congress to himself.

22. Plaintiffs and the Proposed Class will continue to suffer harm on an ongoing basis and will experience increasing and irreparable harm absent the declaratory and injunctive relief here sought.

JURISDICTION AND VENUE

23. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 because this action arises under federal law, including the United States Constitution, federal statutes, and the Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*, and 5 U.S.C. §§ 702, 704. An actual controversy exists between the parties within the meaning of 28 U.S.C. § 2201(a), and this Court may grant declaratory relief, injunctive relief, and other appropriate relief pursuant to 28 U.S.C. §§ 2201-02 and 5 U.S.C. §§ 705-06.

1 24. Venue is proper in this District pursuant to 28 U.S.C. § 1331(e)(1)
 2 because Defendants are officers and agencies of the United States served in their official
 3 capacities, no real property is at issue in this case, and many Plaintiffs and members of the
 4 Proposed Class are citizens of California and are residents of this District, where many of the
 5 federal grant terminations that are the subject of this suit, and the resulting harms to Plaintiffs
 6 and the Class, have occurred and will continue to occur unless enjoined.

7 **THE PARTIES**

8 **A. Plaintiffs**

9 25. Individual Plaintiff and Class Representative Neeta Thakur is a citizen
 10 of the United States and the State of California, and a member of the faculty at the University
 11 of California, San Francisco (“UCSF”), who engages in research. She resides in the Northern
 12 District of California.

13 26. Individual Plaintiff and Class Representative Ken Alex is a citizen of
 14 the United States and the State of California, and has an academic appointment as a researcher
 15 at the University of California, Berkeley (“UC Berkeley”). He resides in the Northern District
 16 of California.

17 27. Individual Plaintiff and Class Representative Robert Hirst is a citizen of
 18 the United States and the State of California, and has an academic appointment as a researcher
 19 at the Bancroft Library at UC Berkeley. He resides in the Northern District of California.

20 28. Individual Plaintiff and Class Representative Christine Philiou is a
 21 citizen of the United States and the State of California, and a member of the faculty at UC
 22 Berkeley who engages in research. She resides in the Northern District of California.

23 29. Individual Plaintiff Nell Green Nylen is a citizen of the United States
 24 and the State of California, and has an academic appointment as a researcher at UC Berkeley.
 25 She resides in the Northern District of California.

26 30. Individual Plaintiff and Class Representative Jedda Foreman is a citizen
 27 of the United States and the State of California, and has an academic appointment as a
 28 researcher at UC Berkeley. She resides in the Northern District of California.

1 31. Individual Plaintiff and Class Representative Eli Berman is a citizen of
 2 the United States and the State of California, and has an academic appointment as a researcher
 3 at the University of California, San Diego. He resides in San Diego County.

4 32. Individual Plaintiff and Class Representative Susan Handy is a citizen
 5 of the United States and the State of California, and a member of the faculty at the University
 6 of California, Davis. She resides in Yolo County.

7 33. Individual Plaintiff and Class Representative Marcus Horwitz is a
 8 citizen of the United States and the State of California, and a member of the faculty at the
 9 University of California, Los Angeles (“UCLA”), who engages in research. He resides in the
 10 Central District of California.

11 34. Individual Plaintiff and Class Representative Alexander van der Blik
 12 is a citizen of the United States and the State of California, and a member of the faculty at
 13 UCLA, who engages in research. He resides in the Central District of California.

14 35. Individual Plaintiff and Class Representative Rhonda Voskuhl is a
 15 citizen of the United States and the State of California, and a member of the faculty at UCLA,
 16 who engages in research. She resides in the Central District of California.

17 36. Individual Plaintiff and Class Representative Plamen Atanassov is a
 18 citizen of the United States, a resident of the State of California, and a member of the faculty
 19 at UC Irvine, who engages in research. He resides in the Central District of California.

20 37. Individual Plaintiff and Class Representative Louise Bedsworth is a
 21 citizen of the United States, a resident of the State of California, and a member of the faculty
 22 at UC Berkeley, who engages in research. She resides in the Northern District of California.

23 **B. Defendants**

24 38. Defendant Donald J. Trump is the President of the United States and is
 25 sued in his official capacity.

26 39. Defendant Department of Government Efficiency (“DOGE”) is a
 27 federal agency headquartered in Washington, D.C. DOGE is a federal agency within the

1 meaning of the APA, 5 U.S.C. §551(1). Upon information and belief, DOGE is now headed
 2 by Defendant Trump and every member of his cabinet.

3 40. Defendant Amy Gleason is the Acting Administrator of DOGE and is
 4 sued in her official capacity.

5 41. The following federal departments and agencies, including their
 6 identified leaders, are sometimes referred to collectively herein as the “Federal Agency
 7 Defendants.”

8 42. Defendant National Science Foundation (“NSF”) is a federal agency
 9 headquartered in Alexandria, Virginia. NSF is a federal agency within the meaning of the
 10 APA, 5 U.S.C. § 551(1).

11 43. Defendant Brian Stone is Acting Director of NSF and is sued in his
 12 official capacity.

13 44. Defendant National Endowment for the Humanities (“NEH”) is a
 14 federal agency headquartered in Washington, D.C. NEH is a federal agency within the
 15 meaning of the APA, 5 U.S.C. § 551(1).

16 45. Defendant Michael McDonald is Acting Chairman of NEH and is sued
 17 in his official capacity.

18 46. Defendant United States Environmental Protection Agency (“EPA”) is
 19 a federal agency headquartered in Washington, D.C. EPA is a federal agency within the
 20 meaning of the APA, 5 U.S.C. § 551(1).

21 47. Defendant Lee Zeldin is the Administrator for the EPA and is sued in
 22 his official capacity.

23 48. Defendant United States Department of Agriculture (“USDA”) is a
 24 federal agency headquartered in Washington, D.C. USDA is a federal agency within the
 25 meaning of the APA, 5 U.S.C. § 551(1).

26 49. Defendant Brooke Rollins is Secretary of USDA and is sued in her
 27 official capacity.

1 50. Defendant AmeriCorps, also known as the Corporation for National
 2 and Community Service, is a federal agency headquartered in Washington, D.C. AmeriCorps
 3 is a federal agency within the meaning of the APA, 5 U.S.C. § 551(1).

4 51. Defendant Jennifer Bastress Tahmasebi is Interim Agency Head of
 5 AmeriCorps and is sued in her official capacity.

6 52. Defendant United States Department of Defense (“Defense”) is a
 7 federal agency headquartered in Washington, D.C. Defense is a federal agency within the
 8 meaning of the APA, 5 U.S.C. § 551(1).

9 53. Defendant Pete Hegseth is Secretary of Defense and is sued in his
 10 official capacity.

11 54. Defendant United States Department of Education (“Education”) is a
 12 federal agency headquartered in Washington, D.C. Education is a federal agency within the
 13 meaning of the APA, 5 U.S.C. § 551(1).

14 55. Defendant Linda McMahon is Secretary of Education and is sued in her
 15 official capacity.

16 56. Defendant United States Department of Energy (“DOE”) is federal
 17 agency headquartered in Washington, D.C. DOE is a federal agency within the meaning of the
 18 APA, 5 U.S.C. § 551(1).

19 57. Defendant Chris Wright is Secretary of DOE and is sued in his official
 20 capacity.

21 58. Defendant United States Department of Health and Human Services
 22 (“HHS”) is a federal agency headquartered in Washington, D.C. HHS is a federal agency
 23 within the meaning of the APA, 5 U.S.C. § 551(1).

24 59. Defendant Robert F. Kennedy, Jr. is Secretary of HHS and is sued in
 25 his official capacity.

26 60. Defendant United States Centers for Disease Control (“CDC”), housed
 27 within HHS, is federal agency headquartered in Atlanta, Georgia. CDC is a federal agency
 28 within the meaning of the APA, 5 U.S.C. § 551(1).

1 61. Defendant Matthew Buzzelli is Acting Director of CDC and is sued in
 2 his official capacity.

3 62. Defendant United States Food and Drug Administration (“FDA”),
 4 housed within HHS, is a federal agency headquartered in Silver Spring, Maryland. FDA is a
 5 federal agency within the meaning of the APA, 5 U.S.C. § 551(1).

6 63. Defendant Martin Makary is Commissioner of the FDA and is sued in
 7 his official capacity.

8 64. Defendant United States Institutes of Health (“NIH”), housed within
 9 HHS, is federal agency headquartered in Bethesda, Maryland. NIH is a federal agency within
 10 the meaning of the APA, 5 U.S.C. § 551(1).

11 65. Defendant Jayanta Bhattacharya is Director of NIH and is sued in his
 12 official capacity.

13 66. Defendant Institute of Museum and Library Services (“IMLS”) is a
 14 federal agency headquartered in Washington, D.C. IMLS is a federal agency within the
 15 meaning of the APA, 5 U.S.C. § 551(1).

16 67. Defendant Keith Sonderling is Acting Director of IMLS and is sued in
 17 his official capacity.

18 68. Defendant United States Department of the Interior (“Interior or DOI”)
 19 is a federal agency headquartered in Washington, D.C. Interior is a federal agency within the
 20 meaning of the APA, 5 U.S.C. § 551(1).

21 69. Defendant Doug Burgum is Secretary of the Interior and is sued in his
 22 official capacity.

23 70. Defendant United States Department of State (“State”) is a federal
 24 agency headquartered in Washington, D.C. State is a federal agency within the meaning of the
 25 APA, 5 U.S.C. § 551(1).

26 71. Defendant Marco Rubio is Secretary of State and is sued in his official
 27 capacity.

28

72. Defendant Department of Transportation (“DOT”) is a federal agency headquartered in Washington, D.C. DOT is a federal agency within the meaning of the APA, 5 U.S.C. § 551(1).

73. Defendant Sean Duffy is Secretary of DOT and is sued in his official capacity.

CLASS ALLEGATIONS

74. Neeta Thakur, Ken Alex, Nell Green Nylen, Robert Hirst, Christine Phillipou, Jeddah Foreman, Eli Berman, Susan Handy, Marcus Horwitz, Alexander van der Bliek, Rhonda Voskuhl, Plamen Atanassov, and Louise Bedsworth (“Plaintiffs” or “Class Representatives”) bring this action as a class action for declaratory and injunctive relief pursuant to Federal Rule of Civil Procedure 23(a)(1)-(4) and 23(b)(2). They bring this suit on behalf of themselves and all similarly situated University of California researchers whose federally funded grants have been or will be imminently terminated or suspended by Defendants absent (a) a declaratory judgment that such Executive Orders and directives are illegal; and (b) injunctive relief enjoining further terminations and restoring the terminated grants to enable class members to complete their interrupted work.

75. On June 23, 2025, the Court ordered that a preliminary injunction be entered as to two classes. Dkt. 55.

The Form Termination Class consists of:

All University of California researchers, including faculty, staff, academic appointees, and employees across the University of California system who are named as principal researchers, investigators, or project leaders on the grant applications for previously awarded research grants by the EPA, NSF, or NEH (or their sub-agencies) that are terminated by means of a formal termination notice that does not provide a grant-specific explanation for the termination that states the reason for the change to the original award decision and considers the reliance interests at stake, from and after January 20, 2025.

Excluded from the class are Defendants, the judicial officer(s) assigned to this case, and their respective employees, staffs, and family members.

The Equity Termination Class consists of:

1 All University of California researchers, including faculty, staff,
 2 academic appointees, and employees across the University of
 3 California system who are named as principal researchers,
 4 investigators, or project leaders on the grant applications for
 previously awarded research grants by the EPA, NSF, or NEH (or
 their sub-agencies) that are terminated pursuant to Executive
 Orders 14151 or 14173, from and after January 20, 2025.

5 Excluded from the class are Defendants, the judicial officer(s)
 6 assigned to this case, and their respective employees, staffs, and
 family members.

7
 8 76. On September 22, 2025, the Court ordered that a second preliminary
 injunction be entered as to two classes. Dkt. 134.

9
 10 The Second Form Termination Class consists of:

11 All University of California researchers, including faculty, staff,
 12 academic appointees, and employees across the University of
 13 California system who are named as principal researchers,
 14 investigators, or project leaders on the grant applications for
 previously awarded research grants by, or on behalf of, DoD, DoT,
 and NIH (or their sub-agencies) that are terminated by means of a
 15 form termination notice that does not provide a grant-specific
 explanation for the termination that states the reason for the change
 to the original award decision and considers the reliance interests
 at stake, from and after January 20, 2025.

16 Excluded from the class are Defendants, the judicial officer(s)
 17 assigned to this case, and their respective employees, staffs, and
 family members.

18 The Second Equity Termination Class consists of:

19 All University of California researchers, including faculty, staff,
 20 academic appointees, and employees across the University of
 21 California system who are named as principal researchers,
 22 investigators, or project leaders on the grant applications for
 previously awarded research grants by, or on behalf of, DoT (or its
 23 sub-agencies) that are terminated pursuant to Executive Orders
 14151 or 14173 from and after January 20, 2025.

24 Excluded from the class are Defendants, the judicial officer(s)
 assigned to this case, and their respective employees, staffs, and
 family members.

25
 26 77. Plaintiffs seek a Third Form Termination Class consistent with the
 27 Court's Order Granting Motion for Preliminary Injunction and Provisional Class Certification
 28

(Dkt. 54) and Order Granting Plaintiffs' Motions for Preliminary Injunction and Provisional Class Certification as to Additional Agency Defendants, As Modified (Dkt. 133):

The Third Form Termination Class consists of:

All University of California researchers, including faculty, staff, academic appointees, and employees across the University of California system who are named as principal researchers, investigators, or project leaders on the grant applications for previously awarded research grants by the DOE that are terminated by means of a form termination notice that does not provide a grant-specific explanation for the termination that states the reason for the change to the original award decision and considers the reliance interests at stake, from and after January 20, 2025.

Excluded from the class are Defendants, the judicial officer(s) assigned to this case, and their respective employees, staffs, and family members.

78. Plaintiffs further seek a new Equal Protection Termination Class relating to DOE terminations that violate the equal protection guarantee provided in the Due Process Clause of the Fifth Amendment:

All University of California researchers, including faculty, staff, academic appointees, and employees across the University of California system who are named as principal researchers, investigators, or project leaders on the grant applications for previously awarded research grants by the DOE that were included in the 314 grants that DOE terminated on or around October 2, 2025, which Plaintiffs allege was done in violation of the equal protection guarantee of the Fifth Amendment.

Excluded from the class are Defendants, the judicial officer(s) assigned to this case, and their respective employees, staffs, and family members.

79. This action meets all of the Rule 23(a) prerequisites for maintaining a class action. The Plaintiff Class is so numerous that individual joinder of all its members is impracticable, satisfying Rule 23(a)(1). The ten-campus UC System has more than 265,000 faculty and staff,⁴ hundreds to thousands of whom conduct billions of dollars of federally funded research annually. In 2024, for example, UC Berkeley researchers alone received nearly \$1 billion in new research grants. Of this amount, 51% (approximately \$420 million),

⁴ Univ. of California, *About Us*, <https://www.universityofcalifornia.edu/about-us#:~:text=The%20University%20of%20California%20opened,an%20working%20around%20the%20world>. (last visited May 28, 2025).

1 came from federal grants. On this single campus, as of May 15, 2025, there were more than
 2 2,000 open federal research grants (*i.e.*, ones whose termination date has not arrived). Many
 3 of these have now been terminated, suspended, or face imminent termination by the unlawful
 4 actions of Defendants. Plaintiffs do not yet know the exact number of the UC researchers
 5 whose work has been terminated or imminently threatened by the Defendants' conduct at
 6 issue in this suit, but are informed and believe that hundreds or thousands of researchers'
 7 grants and work, and their research staff's jobs, have been and will be impacted by such
 8 conduct. For example, the National Science Foundation (NSF) published a list of terminated
 9 grants that includes nearly 80 grants terminated across the UC System by *NSF alone*; a quick
 10 review of the terminated grants suggests terminations occurred because the grant titles contain
 11 now-suspect DEI-related words such as "equity."⁵ A preliminary list of over 30 terminated
 12 grants across several federal agencies at UC Berkeley shows the same pattern. Further,
 13 databases compiled by news media and nonprofits have also identified over 100 National
 14 Institutes of Health (NIH) grants made to UCSF, UC Los Angeles, and UC San Diego
 15 researchers that have since been terminated.⁶

16 80. The claims of the Plaintiff Class members share important and indeed
 17 pivotal common questions of law and fact, including but not limited to whether the
 18 Defendants' actions pursuant to the Executive Orders and directives described in this
 19 Complaint are unconstitutional and unlawful exercises of executive power, because they
 20 usurp Congress's spending authority and also violate the Impoundment Control Act of 1974;
 21 whether Defendants' actions are further unconstitutional because they violate Plaintiff Class
 22 members' First Amendment right to free speech and Fifth Amendment right to due process;
 23 whether they are further unlawful because they violate statutes through which Congress has
 24 created the defendant agencies and determined their purposes, functions, and goals, and

25
 26 ⁵ NSF, *Is there a publicly available list of the awards NSF has terminated?*,
 https://www.nsf.gov/updates-on-priorities#termination-list (last updated May 23, 2025).

27 ⁶ Irena Hwang et al., *The Gutting of America's Medical Research: Here is Every Canceled or*
Delayed N.I.H. Grant, N.Y. Times (June 4, 2025),
 https://www.nytimes.com/interactive/2025/06/04/health/trump-cuts-nih-grants-
 research.html?smid=nytcore-ios-share&referringSource=articleShare.

1 additional statutes through which Congress gives agencies substantive instruction, usurping
 2 Congress's legislative authority; and whether Defendants' actions are arbitrary and capricious,
 3 an abuse of discretion, or otherwise contrary to law, in violation of the APA.

4 81. Because the claims of the Plaintiff Class members share common
 5 issues of law and fact, they will not require individualized determinations of the
 6 circumstances of any plaintiff, and satisfy Rule 23(a)(2) for purposes of the requested
 7 declaratory and injunctive relief.

8 82. The claims of the Class Representatives are typical of the claims of the
 9 members of the Plaintiff Class, because they arise out of the Defendants' common conduct,
 10 satisfying Rule 23(a)(3). Like other members of the class, the Class Representatives have
 11 been concretely harmed, economically, professionally, and reputationally, by Defendants'
 12 arbitrary, capricious, and unlawful actions in categorically terminating or delaying their
 13 research grants under color of Defendant Trump's Executive Orders and/or at the direction of
 14 DOGE. The timing and sheer volume of these terminations (DOGE boasts of over 15,0000
 15 such terminations of grants nationwide in the space of less than 100 days) shows that these
 16 determinations were without due process or due regard for the individual merits, scientific
 17 importance, or public benefit of the projects affected. Class Representatives and the Plaintiff
 18 Class have been similarly and further harmed by Defendants' failure to adequately explain
 19 their actions and decisions. Each of these actions, independently and collectively, have caused
 20 harm to the Class Representatives and the Plaintiff Class members.

21 83. The Class Representatives will fairly and adequately protect the
 22 interests of the Plaintiff Class, satisfying Rule 23(a)(4). They will defend the rights of all
 23 proposed class members fairly and adequately, and have no interest that is now or may be
 24 potentially antagonistic to the interests of the Plaintiff Class. The attorneys representing the
 25 Plaintiff Class Representatives include constitutional, civil rights, environmental, and
 26 administrative law experts and litigators with decades of experience in their respective fields,
 27 and class action attorneys with similar experience and scores of court appointments as class
 28

1 counsel in federal litigation. These attorneys may and should be appointed as class counsel in
 2 this action.

3 84. The members of the Plaintiff Class are readily ascertainable through
 4 Defendants' own grant records, and the grant-related communications they have issued to
 5 Class members pursuant to Executive Orders and/or at the direction of the Trump
 6 Administration and/or DOGE.

7 85. Through federal research grant cancellations, suspensions, and delays
 8 imposed categorically, pursuant to Executive Orders or other Trump Administration
 9 directives, in violation of the APA, and in violation of other statutes and the Constitution as
 10 alleged in this Complaint, Defendants have acted, have threatened to act, and will continue to
 11 act on grounds generally applicable to the Plaintiff Class, thereby making final equitable and
 12 declaratory relief appropriate to the Class as a whole. The Plaintiff Class may therefore be
 13 properly certified under Federal Rule of Civil Procedure 23(b)(2).

14 86. Numerous individual lawsuits alleging similar conduct and claims
 15 would disserve the interests of judicial economy, as well as the interests of litigants and the
 16 public in the just, speedy, and inexpensive determination of these claims.

17 **FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS**

18 I. **Throughout Decades of Federal Funding, the UC System Has Made Leading** 19 **Contributions to Research that Benefit the Public**

20 87. The University of California (the "UC System") is the world's leading
 21 public research institution. Comprised of ten campuses, three affiliate national laboratories,
 22 and dozens of institutes, centers, and research laboratories across California, the UC System
 23 has made—and continues to make—outsize contributions to research that have changed the
 24 world, and enhanced human knowledge, while contributing to the national security and global
 25 prominence of the United States, and the health and welfare of all Americans.

26

27

28

1 88. Without the UC System's research, for example, the world would not
 2 have the internet,⁷ plug-in hybrid cars,⁸ or the world's largest 3-D map of the universe.⁹

3 89. In the medical realm, UC System research has led to development of
 4 MRI machines,¹⁰ cochlear implants that restore hearing,¹¹ a universal viral vaccine,¹² a brain
 5 implant that prevents Parkinson's symptoms,¹³ and the use of CRISPR gene-editing to cure
 6 sickle cell disease.¹⁴ In the past 30 years, decades of UC cancer research has saved nearly 4
 7 million lives.¹⁵

8 90. The UC System has produced 70 Nobel Prize winners, 101 MacArthur
 9 "Genius" grant award winners, 66 National Medal of Science winners, and 42 Pulitzer Prize

11
 12 ⁷ Pranay Bhattacharyya, *UCLA: Birthplace of the Internet*, US Tech News (April 28, 2021),
 13 <https://uctechnews.ucop.edu/ucla-birthplace-of-the-internet/#:~:text=ARPANET%3A%20The%20Beginning,first%20two%20letters%20were%20sent>.

14 ⁸ USPath Center, *4 Unexpected Discoveries from UC*, UCPATH Jobs,
<https://ucpathjobs.org/lifestyle/4-unexpected-discoveries-uc/> (last visited May 27, 2025).

15 ⁹ Michael Levi, *First Results from DESI Make the Most Precise Measurement of Our Expanding Universe*, Berkeley Lab News Center (April 4, 2024),
<https://newscenter.lbl.gov/2024/04/04/desi-first-results-make-most-precise-measurement-of-expanding-universe/>.

16 ¹⁰ Kara Manke, *Jerome R. Singer, pioneer of magnetic resonance imaging, dies at 97*, US Berkeley News (August 6, 2019), [https://news.berkeley.edu/2019/08/06/jerome-r-singer-pioneer-of-magnetic-resonance-imaging-dies-at-97/#:~:text=Jerome%20R.-Singer%2C%20pioneer%20of%20magnetic%20resonance%20imaging%2C%20dies%20at%2097,`and%20blood%20volume%20in%20mice.](https://news.berkeley.edu/2019/08/06/jerome-r-singer-pioneer-of-magnetic-resonance-imaging-dies-at-97/#:~:text=Jerome%20R.-Singer%2C%20pioneer%20of%20magnetic%20resonance%20imaging%2C%20dies%20at%2097,)

17 ¹¹ Pete Farley, *Neuroscientist Wins Prize for Cochlear Implant Contributions*, University of California (January 8, 2015), <https://www.universityofcalifornia.edu/news/neuroscientist-wins-prize-cochlear-implant-contributions>.

18 ¹² Jules Bernstein, *Vaccine Breakthrough Means No More Chasing Strains*, University of California, Riverside (April 15, 2024), <https://news.ucr.edu/articles/2024/04/15/vaccine-breakthrough-means-no-more-chasing-strains>.

19 ¹³ Robin Marks, *New Parkinson's Treatment Helps Former Pro Keep Skateboarding*, U. of Cal. San Francisco (Apr. 19, 2024), <https://www.ucsf.edu/news/2024/04/427391/new-parkinsons-treatment-helps-former-pro-keep-skateboarding>.

20 ¹⁴ Robert Sanders, *FDA Approves First Test of CRISPR to Correct Genetic Defect Causing Sickle Cell Disease*, University of California (Apr. 1, 2021),
<https://www.universityofcalifornia.edu/news/fda-approves-first-test-crispr-correct-genetic-defect-causing-sickle-cell-disease>.

21 ¹⁵ Julia Busiek, *What Cuts to NIH Funding Mean for Cancer Patients and Their Families*, University of California (Feb. 26, 2025), <https://www.universityofcalifornia.edu/news/what-cuts-nih-funding-mean-cancer-patients-and-their-families>.

1 winners.¹⁶ Since 2013, the UC System has topped the National Academy of Inventors' list of
 2 universities worldwide with the most utility patents.¹⁷

3 91. Through continual development of new technologies, UC research
 4 stimulates the economy by creating jobs, companies, industries, and scientific advancements
 5 that continue to change the world. Entire industries have grown out of UC research, including
 6 biotechnology, computing, semiconductors, telecommunications, and agriculture.¹⁸

7 92. UC research prowess has continued at breakneck speed. The UC
 8 System averages four new inventions *per day*. In 2023, 78 startups were launched using UC
 9 intellectual property or technology.¹⁹ UC research quite literally shapes the future: 8.2% of all
 10 U.S. academic research is conducted by UC researchers.²⁰

11 93. Such achievements would not be possible without federal funding. For
 12 years, the UC System has partnered with the federal government to deliver groundbreaking
 13 innovations that have made the American public healthier, safer, smarter, and better able to
 14 compete in a global market.

15 94. Federal funding is the single most important source of UC research
 16 funding, historically accounting for more than half of the UC System's total research
 17 awards.²¹ In fiscal year 2024, the UC System received \$4.069 *billion* in federal research
 18 awards. This covered 10,256 distinct awards.²²

19 95. The UC System receives more National Institutes of Health ("NIH")
 20 and National Science Foundation ("NSF") funding than any other institution.²³ And these are
 21 far from the only agencies to offer significant support to UC research.

22
 23 ¹⁶ Univ. of Cal., *The University of California at a Glance*, Univ. of Cal. (Feb. 25, 2025),
 24 https://ucop.edu/institutional-research-academic-planning/_files/uc-facts-at-a-glance.pdf.

25 ¹⁷ Univ. of Cal., *Federal Investment in UC Research*, Univ. of Cal. (Apr. 2025),
https://ucop.edu/communications/_files/federal-investment-in-uc-research-2025.pdf.

26 ¹⁸ *Id.*

27 ¹⁹ *Id.*

28 ²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

1 96. In fiscal year 2024, the UC System received approximately the
 2 following amounts by agency:²⁴

- 3 • \$2.54 billion – NIH
- 4 • \$525 million – NSF
- 5 • \$326 million – Defense
- 6 • \$160 million – Energy
- 7 • \$122 million – other HHS
- 8 • \$104 million – NASA
- 9 • \$86 million – USDA
- 10 • \$68 million – Commerce
- 11 • \$39 million – Interior
- 12 • \$27 million – Education
- 13 • \$20 million – State
- 14 • \$47 million – other agencies

15 97. These stable federal funding sources, and the research talent they attract
 16 and empower, have enabled the UC System to make its outsize contributions to human
 17 progress for decades. Because the very nature of research requires years of ongoing work, the
 18 UC system has operated research programs across presidential administrations for
 19 generations.

20 98. The innovations described above are the result of a successful
 21 partnership between the UC System and the federal government, and indeed would be
 22 impossible if federal grant funding were terminated.

23 99. This research, of course, is carried out by faculty members and other
 24 research personnel in the UC system. These individuals' careers—their hiring, their tenure,
 25 their advancement—all depend on research that is often supported by federal grants.

26
 27
 28 ²⁴ *Id.*

1 **II. Congress's Power of the Purse Makes Illegal the Mass Termination of Grants at the**
 2 **President's Direction**

3 100. The partnership between the UC System and the federal government is
 4 a product of Congress's powers, and by design insulated from political winds in the executive
 5 branch. Congress has repeatedly emphasized the importance of federally funded research as
 6 critical to the strength and security of the nation, and has used its powers to set research
 7 priorities and appropriate funds to federal agencies to carry out those priorities.

8 101. Congress has the constitutional power to appropriate funds for such
 9 research and to create agencies necessary to implement federal policies. Article I vests
 10 Congress with the legislative power to create departments, agencies, and offices within the
 11 executive branch, to define their duties, and to fund their activities. U.S. Const. art. I, §1 ("All
 12 legislative Powers herein granted shall be vested in a Congress of the United States.").

13 102. Congress's legislative power includes "the establishment of offices...
 14 [and] the determination of their functions." *Myers v. United States*, 272 U.S. 52, 129 (1926);
 15 U.S. Const. art I, § 8, cl. 18. "Administrative agencies are creatures of statute," and do not
 16 exist or have purpose without Congress's direction. *See Nat'l Fed'n of Indep. Bus v. Dep't of*
 17 *Lab., OSHA*, 595 U.S. 109, 117 (2022). Congress thus establishes executive agencies and
 18 crafts the statutes that govern each agency's administration. *See, e.g.*, 10 U.S.C. §§ 111, 113
 19 (Defense); 16 U.S.C. § 551 (Agriculture); 42 U.S.C. §§ 202, 203 (HHS); 42 U.S.C. §§ 218,
 20 282 (NIH); 42 U.S.C. § 7131 (Energy).

21 103. Congress also holds the power of the federal purse. Indeed, Congress's
 22 powers to set the policies of the nation are at their apex when it comes to spending money, as
 23 the Constitution "exclusively grants the power of the purse to Congress, not the President."
 24 *City & Cnty. of San Francisco v. Trump*, 897 F.3d 1225, 1231 (9th Cir. 2018). Congress
 25 makes its priorities clear by appropriating funds to agencies to carry out specified activities.

26 104. The Constitution requires the President, meanwhile, to "take Care that
 27 the Laws be faithfully executed." U.S. Const., art. II, § 3. The "Take Care Clause" assures
 28 that "Congress makes the laws and the President faithfully executes them." *Utility Air Reg.*

1 *Grp. v. Envtl. Prot. Agency*, 573 U.S. 302, 327 (2014) (cleaned up). This includes ensuring
 2 the appropriation of funds per Congress’s direction.

3 105. The executive branch has *no* constitutional authority to refuse to carry
 4 out laws enacted by Congress, and it has no constitutional authority to block, amend, subvert,
 5 or delay spending appropriated monies based on the President’s own policy preferences. For
 6 nearly two hundred years, it has been established that the Executive violates the Take Care
 7 Clause when it ignores, refuses to execute, or purports to override statutes. *Kendall v. United*
 8 *States*, 37 U.S. (12 Pet.) 524, 613 (1838).

9 106. A President’s Executive Order cannot override Congress’s express
 10 direction. The President “is without authority to set aside congressional legislation by
 11 executive order.” *In re United Mine Workers of Am. Int’l Union*, 190 F.3d 545, 551 (D.C. Cir.
 12 1999). Rather, the “President’s power, if any, to issue [an] order must stem from either an act
 13 of Congress or from the Constitution itself.” *Youngstown Sheet & Tube Co. v. Sawyer*, 343
 14 U.S. 579, 585 (1952).

15 107. The President has no power to order the rescission of funds. If the
 16 President wants funds rescinded, he may *ask* Congress to do so pursuant to the Impoundment
 17 Control Act (“ICA”), 2 U.S.C. § 681 *et seq.* Under the ICA, the President can “transmit to
 18 both Houses of Congress a special message specifying,” among other criteria, the amount of
 19 budget authority he proposes be rescinded, the reasons why it should be rescinded, and the
 20 effect of the proposed rescission on the “objects, purposes, and programs for which the budget
 21 authority is provided.” *Id.* § 683(a). Unless Congress passes a rescission bill that covers the
 22 President’s request within 45 days, however, the funds shall be made available. *Id.* § 683(b).

23 108. Even under the ICA—which clearly states it cannot interfere with the
 24 Constitutional separation of powers, § 681(1)—the President is constrained. His requests for
 25 rescission cannot “supersed[e] any provision of law which *requires* the obligation of budget
 26 authority or the making of outlays.” 2 U.S.C. § 681 (emphasis added). Nor can the President
 27 request reductions of *already obligated* funds, including grants. *See id.* § 683; Congressional
 28 Budget Office, *CBO Explains How It Estimates Savings From Rescissions* (May 26, 2023),

1 https://www.cbo.gov/publication/59209 (explaining a rescission will not impact funds that are
 2 obligated).

3 109. In short, once Congress has allocated money for grants or directed
 4 agencies to use funding to carry out research, the President cannot unilaterally refuse to spend
 5 or to redirect such funds. Nor can agency leaders, substituting the President's directives for
 6 Congress's, terminate without lawful cause grants that were awarded pursuant to
 7 congressional directives. Such refusal to spend money appropriated by Congress violates both
 8 the separation of powers and the Impoundment Control Act.

9 **III. President Trump Issues a Flurry of Executive Orders and Creates DOGE,
 10 Unlawfully Directing Agencies to Terminate Grants**

11 110. Beginning on Inauguration Day (January 20, 2025), Defendant Trump
 12 issued a number of broad directives through Executive Orders (EOs). These included
 13 demands on federal agencies to take action to comply with the President's agenda.

14 111. In particular, Defendant Trump and his administration explicitly and
 15 implicitly called on federal agencies to "terminate" previously awarded grant funds. In so
 16 doing, the Administration did not comply with Congress's prior spending decisions and
 17 direction.

18 112. For example, Executive Order No. 14151, dated January 20, 2025 and
 19 titled "Ending Radical and Wasteful Government DEI Programs and Preferencing," instructs
 20 the Attorney General and others to "coordinate the termination of all discriminatory programs,
 21 including illegal DEI and 'diversity, equity, inclusion, and accessibility' (DEIA) mandates,
 22 policies, programs, preferences, and activities in the Federal Government, under whatever
 23 name they appear." Additionally, it directs each federal agency head to "terminate, to the
 24 maximum extent allowed by law... all 'equity-related' grants or contracts" within 60 days.²⁵

25 Exec. Order No. 14151, *Ending Radical and Wasteful Government DEI Programs and Preferencing*, 90 Fed. Reg. 8339 (Jan. 20, 2025),
<https://www.federalregister.gov/documents/2025/01/29/2025-01953/ending-radical-and-wasteful-government-dei-programs-and-preferencing>.

1 113. EO No. 14173, titled “Ending Illegal Discrimination and Restoring
 2 Merit-Based Opportunity,” addresses purported “immoral race- and sex-based preferences
 3 under the guise of so-called [DEI] or [DEIA].” The order requires the Director of OMB to
 4 “[e]xcise references to DEI and DEIA principles, under whatever name they may appear,
 5 from Federal acquisition, contracting, grants, and financial assistance procedures” and to
 6 “[t]erminate all ‘diversity,’ ‘equity,’ ‘equitable decision-making,’ ‘equitable deployment of
 7 financial and technical assistance,’ ‘advancing equity,’ and like mandates, requirements,
 8 programs, or activities, as appropriate.”²⁶

9 114. On January 20, 2025, Defendant Trump also issued EO No. 14168,
 10 “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the
 11 Federal Government,” directing that “federal funds shall not be used to promote gender
 12 ideology,” instructing federal agencies to revise grant conditions accordingly, and defining
 13 “gender ideology” as a “false claim” that “replaces the biological category of sex with an
 14 ever-shifting concept of self-assessed gender identity,” and that “includes the idea that there is
 15 a vast spectrum of genders that are disconnected from one’s sex.”

16 115. On January 20, 2025, Defendant Trump further issued EO No. 14154,
 17 “Unleashing American Energy,” which directed federal agencies to “immediately pause the
 18 disbursement of funds appropriated through the Inflation Reduction Act of 2022 (Public Law
 19 117-169) or the Infrastructure Investment and Jobs Act (Public Law 117-58).” The EO called
 20 out specific grant programs, and more generally, directed the agencies to “review their
 21 processes, policies, and programs for issuing grants.”²⁷

22 116. On February 19, 2025, Defendant Trump issued EO No. 14217,
 23 “Commencing the Reduction of the Federal Bureaucracy.” The EO deemed several
 24 government entities “unnecessary,” and directed that any non-statutory components or

25 26 Exec. Order No. 14173, *Ending Illegal Discrimination and Restoring Merit-Based*
 26 *Opportunity*, 90 Fed. Reg. 8633, (Jan. 21, 2025),
 27 <https://www.federalregister.gov/documents/2025/01/31/2025-02097/ending-illegal-discrimination-and-restoring-merit-based-opportunity>.

28 27 Exec. Order No. 14154, *Unleashing American Energy*, 90 Fed. Reg. 8353 (Jan. 29, 2025),
<https://www.federalregister.gov/documents/2025/01/29/2025-01956/unleashing-american-energy>.

1 functions be “eliminated.” The Order also stated that any “grant requests” by these entities
 2 should be denied.²⁸

3 117. On March 14, 2025, Defendant Trump issued EO No. 14238,
 4 “Continuing the Reduction of the Federal Bureaucracy.” This order listed additional entities
 5 determined by Defendant Trump to be “unnecessary,” and again directed that grant requests
 6 be rejected.²⁹

7 118. Moreover, to force agencies into complying with his personal agenda,
 8 Defendant Trump signed EO No. 14158 on January 20, 2025, “Establishing and
 9 Implementing the President’s ‘Department of Governmental Efficiency,’” commonly known
 10 as “DOGE.” The EO required the head of each federal agency to establish a team of at least
 11 four DOGE employees within their agency.³⁰

12 119. According to the Order, DOGE would be “dedicated to advancing the
 13 President’s 18-month DOGE agenda.” *Id.* Although the “DOGE agenda” has never been
 14 publicly disclosed, DOGE’s targets for ostensible “efficiency” improvements have, in
 15 practice, born considerable resemblance to the Executive agenda manifest in Defendant
 16 Trump’s EOs.

17 120. On February 26, 2025, Defendant Trump doubled down. He issued EO
 18 No. 14222, “Implementing the President’s ‘Department of Governmental Efficiency’ Cost
 19 Efficiency Initiative.”³¹ Notwithstanding that the Constitution allocates spending power to
 20 Congress alone, the Order purported to begin the Executive’s “transformation in Federal

21 28 Exec. Order No. 14217, *Commencing the Reduction of the Federal Bureaucracy*, 90 Fed. Reg. 10577 (Feb. 25, 2025), <https://www.federalregister.gov/documents/2025/02/25/2025-03133/commencing-the-reduction-of-the-federal-bureaucracy>.

22 29 Exec. Order No. 14238, *Continuing the Reduction of the Federal Bureaucracy*, 90 Fed. Reg. 13043 (Mar. 20, 2025), <https://www.federalregister.gov/documents/2025/03/20/2025-04868/continuing-the-reduction-of-the-federal-bureaucracy>.

23 30 Exec. Order No. 14158, *Establishing and Implementing the President’s “Department of Government Efficiency”*, 90 Fed. Reg. 8441 (Jan. 29, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-02005/establishing-and-implementing-the-presidents-department-of-government-efficiency>.

24 31 Exec. Order No. 14222, *Implementing the President’s “Department of Government Efficiency” Cost Efficiency Initiative*, 90 Fed. Reg. 11095 (Mar. 3, 2025), <https://www.federalregister.gov/documents/2025/03/03/2025-03527/implementing-the-presidents-department-of-government-efficiency-cost-efficiency-initiative>.

1 spending on contracts, grants, and loans.” This Order required federal agencies to review all
 2 existing grants with an eye toward termination:

3 Each Agency Head, in consultation with the agency’s DOGE Team
 4 Lead, shall review all existing covered contracts and grants and, where appropriate and consistent with applicable law, terminate or
 5 modify (including through renegotiation) such covered contracts and grants to reduce overall Federal spending or reallocate spending to promote efficiency and advance the policies of my Administration. This process shall commence immediately and shall prioritize the review of funds disbursed under covered contracts and grants to educational institutions and foreign entities for waste, fraud, and abuse. Each Agency Head shall complete this review within 30 days of the date of this order.

10 121. According to DOGE’s self-described “Wall of Receipts,” as of June 3, 2025, federal agencies had terminated over 15,000 grants, totaling roughly \$44 billion in
 11 “savings.”³²

13 122. Despite multiple successful legal challenges to President Trump’s EOs and related directives,³³ Defendants have unlawfully terminated grants and continue to
 14 terminate grants previously awarded to Plaintiffs and the Class.

16 123. Indeed, according to data posted by DOGE, the federal government has already terminated over \$324 million³⁴ in grants made to the UC system. The harm to UC
 17 researchers cannot be overstated.

19 ³² Department of Government Efficiency, *Savings*, DOGE.gov, <https://doge.gov/savings> (last
 20 visited June 3, 2025).

21 ³³ See, e.g., *Nat'l Assn. of Diversity Officers in Higher Education v. Trump*, No. 25-cv-0333-ABA (D. Md. Feb. 21, 2025) ECF No. 45 (preliminarily enjoining provisions requiring agencies to terminate equity-related grants); *Nat'l Ass'n of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189 (4th Cir. Mar. 14, 2025), ECF No. 29 (staying preliminary injunction pending appeal); *Washington v. Trump*, No. 2:25-cv-244-LK (W.D. Wash. Feb. 28, 2025) ECF No. 50 (on February 28, 2025, preliminary enjoining sections that condition, withhold, or end federal funding in Plaintiffs states Colorado, Minnesota, Oregon, and Washington); *PFLAG, Inc. v. Donald J. Trump*, No. 8:25-cv-00337-BAH (D. Md. Mar. 4, 2025) ECF No. 116 (on March 4, 2025, preliminarily enjoining the same nationwide); *New York v. Trump*, No. 25-cv-39-JJM-PAS (D.R.I. Jan. 31, 2025), ECF No. 50 (preliminarily enjoining federal agency defendants from “pausing, freezing, blocking, canceling, suspending, terminating, or otherwise impeding the disbursement of appropriated federal funds to the States under awarded grants, executed contracts, or other executed financial obligations,” based on both the OMB directive and Executive Orders, including the DEI and Gender Ideology Executive Orders).

27 ³⁴ This number was produced by searching DOGE data posted at <https://api.doge.gov/docs>, which is accessible through DOGE’s “Wall of Receipts” at <https://doge.gov/savings>. The \$324 million was determined by looking at “Savings” under the “Grants” category, for entries in which the UC

1 124. This lawsuit arises because, in unilaterally terminating Plaintiffs'
 2 federal grants without lawful cause, Defendants are flouting constitutional limits on the
 3 Executive's authority; violating the First Amendment's prohibition on viewpoint
 4 discrimination; denying due process of law under the Fifth Amendment; ignoring agency-
 5 specific statutory directives; and violating the APA.

6 125. That these grant terminations violate the separation of powers became
 7 even clearer on May 28, 2025. Until then, DOGE was headed by Elon Musk. Now, according
 8 to the White House Press Secretary, DOGE will be led by "each and every member of the
 9 President's cabinet and the President himself, who is wholeheartedly committed to cutting
 10 waste, fraud and abuse from our government."³⁵ There is no longer any illusion that DOGE is
 11 more than a proxy for Defendant Trump and his priorities. The White House reiterated that
 12 each Cabinet secretary would work with DOGE employees at their agencies so that the
 13 "mission of DOGE will continue."³⁶ The DOGE Trojan Horse has been welcomed inside the
 14 gates of the Federal Agency Defendants, and the harms to Plaintiffs and the Class thus will
 15 continue and very likely increase.

16 126. In adopting, implementing, and enforcing Defendant Trump's
 17 "priorities" to illegally terminate grants, Defendants have caused and will continue to cause
 18 significant concrete harm to Plaintiffs and the Class, as well as the UC System and the
 19 broader public that benefits from UC research, discovery, and inventions.

20 **IV. Agencies that Terminated Lead Plaintiffs' Grants Have Acted According to a**
Common Unlawful Pattern

22 127. On information and belief, all Federal Agency Defendants similarly
 23 and abruptly failed to continue grants pursuant to Congress's directives, instead substituting
 24 Defendant Trump's agenda. In place of reasoned decision-making, the federal agencies took
 25 direction not only from the flurry of Executive Orders described herein, but in most instances

26 system was listed as a recipient.

27 ³⁵ Diana Stancy, *White House Discloses Who Will Lead DOGE Efforts After Musk's Departure*,
 28 Fox News (May 29, 2025), <https://www.foxnews.com/politics/white-house-discloses-who-leads-doge-efforts-after-musks-departure>.

³⁶ *Id.*

also took direction directly from DOGE staffers, who have no authority to direct or redirect allocation of federal funds. Indeed, in other cases, the United States, per its Department of Justice counsel, has on the record taken the position that Elon Musk—who helmed DOGE until days ago—did not occupy an “office,” lacked a title conferring formal authority, and was thus beyond judicial review or legal consequence.³⁷

128. In terminating scores of already awarded federal grants, the Federal Agency Defendants acted recklessly in disregarding the law, failing to consider reliance interests, and failing to consider the harm resulting from immediately stopping ongoing research studies. These included terminations of grants that would require halting human drug trials midstream forcing researchers to breach basic principles of medical ethics.

129. Moreover, the Federal Agency Defendants conducted no proper review of grants, instead mass-terminating with form letters those grants they deemed (with no explanation) to no longer “effectuate” agency priorities, notwithstanding that agencies cannot substitute the President’s agenda for their congressionally imposed statutory mandates.

130. This Complaint examines the errant grant practices at the seven Agencies that terminated Named Plaintiffs' grants—EPA, NEH, NSF, DOD, DOT, NIH, and DOE—and then describes how this same pattern played out within each Federal Agency Defendant, to the categorical and common detriment of the Class of UC researchers. There are UC researchers with grants from each and all of these agencies, including grants that have been or are very likely to be arbitrarily terminated.

A. Environmental Protection Agency

131. The Environmental Protection Agency (“EPA”) is an independent federal agency established to address environmental pollution and protect the environment.

³⁷ *New Mexico v. Musk*, 2025 WL 1502747, at *13 (D.D.C. May 27, 2025) (“Essentially, Defendants argue, so long as the Executive acts without Congressional authority, the court cannot review its conduct.”).

1 **1. Congress Established the EPA to Protect the Environment,
2 Including Through Research**

3 132. Throughout the 1960s, the American public grew increasingly
4 concerned with air pollution, water pollution, and environmental degradation generally. This
5 concern was manifest most markedly in the multi-site celebration of the first Earth Day on
6 April 22, 1970, which drew an estimated 20 million Americans.³⁸ In response to such
7 pressure, President Nixon the same year presented Congress with a comprehensive message
8 on the environment and established a council to consider how to organize a federal response
9 to environmental concerns.³⁹

10 133. On July 9, 1970, President Nixon sent Congress “Reorganization Plan
11 No. 3 of 1970,” which proposed consolidating several existing federal agency duties into one
12 Environmental Protection Agency.⁴⁰ In his transmittal to Congress, President Nixon wrote
13 that “it has become increasingly clear that we need to know more about the total
14 environment—land, water, and air. It also has become increasingly clear that only by
15 reorganizing our Federal efforts can we develop that knowledge, and effectively ensure the
16 protection, development and enhancement of the total environment itself.”

17 134. Under the Reorganization Plan, EPA was given a “broad mandate” to
18 “develop competence in areas of environmental protection that have not previously been
19 given enough attention.” EPA would have the “capacity to do research on important
20 pollutants irrespective of the media in which they appear, and on the impact of these
21 pollutants on the total environment. Both by itself and together with other agencies, EPA
22 would monitor the condition of the environment—biological as well as physical.”⁴¹

23
24
25

³⁸ Earth Day Network, *The History of Earth Day*, <https://www.earthday.org/history/> (last visited May 29, 2025).

26 ³⁹ See U.S. Envtl. Prot. Agency, *The Origins of EPA* (May 31, 2024),
27 <https://www.epa.gov/history/origins-epa>.

28 ⁴⁰ U.S. Envtl. Prot. Agency, *The Reorganization Plan No. 3 of 1970* (Sept. 6, 2016),
29 <https://www.epa.gov/archive/epa/aboutepa/reorganization-plan-no-3-1970.html>.

⁴¹ *Id.*

1 135. Although President Nixon (a Republican) disfavored the creation of
 2 new agencies, he broke his own rule “because arresting environmental deterioration is of great
 3 importance to the quality of life in our country and the world.” He thus “believe[d] that in this
 4 case a strong, independent agency is needed.”⁴²

5 136. The principal roles and functions of the new EPA would include:

- 6 • The establishment and enforcement of environmental protection standards
 consistent with national environmental goals.
- 7 • The conduct of research on the adverse effects of pollution and on methods
 and equipment for controlling it, the gathering of information on pollution,
 and the use of this information in strengthening environmental protection
 programs and recommending policy changes.
- 8 • Assisting others, through grants, technical assistance and other means in
 arresting pollution of the environment.
- 9 • Assisting the Council on Environmental Quality in developing and
 recommending to the President new policies for the protection of the
 environment.⁴³

10 137. After conducting hearings, Congress approved the proposal and EPA
 11 was created. Its first Administrator was sworn in on December 4, 1970.⁴⁴

12 138. EPA does not derive its regulatory authority from a single statute.
 13 Rather, a “number of laws serve as EPA’s foundation for protecting the environment and
 14 public health.” As Congress passes new environmental laws, EPA is most typically the
 15 agency tasked with writing regulations necessary to implement them.⁴⁵ Examples of key laws
 16 reflecting Congress’s mandates to EPA include the Clean Air Act; the Clean Water Act; the
 17 Safe Drinking Water Act; the Federal Fungicide, Insecticide, and Rodenticide Act; the Toxic
 18 Substances Control Act; the Resource Conservation and Recovery Act; the Comprehensive
 19 Environmental Response, Compensation, and Liability Act (Superfund); and many more. As a
 20
 21
 22
 23
 24

25 ⁴² *Id.*

26 ⁴³ *Id.*

27 ⁴⁴ U.S. Envtl. Prot. Agency, *The Origins of EPA* (May 31, 2024),
<https://www.epa.gov/history/origins-epa>.

28 ⁴⁵ U.S. Envtl. Prot. Agency, *Laws and Executive Orders*, (Jan. 29, 2025),
<https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

1 recent example, when Congress enacted the Inflation Reduction Act of 2022, it gave EPA a
 2 new mandate to administer an environmental and climate justice block grant program.⁴⁶

3 139. These laws all direct EPA to carry out its core mission: “to protect
 4 human health and the environment.”⁴⁷

5 140. Pursuant to this mission, EPA works to ensure that:

- 6 • Americans have clean air, land, and water;
- 7 • National efforts to reduce environmental risks are based on the best
 available scientific information;
- 8 • Federal laws protecting human health and the environment are
 administered and enforced fairly, effectively, and as Congress intended;
- 9 • Environmental stewardship is integral to U.S. policies concerning natural
 resources, human health, economic growth, energy, transportation,
 agriculture, industry, and international trade, and these factors are similarly
 considered in establishing environmental policy;
- 10 • All parts of society—communities, individuals, and businesses, as well as
 state, local, and Tribal governments—have access to accurate information
 sufficient to effectively participate in managing human health and
 environmental risks;
- 11 • Contaminated lands and toxic sites are cleaned up by potentially
 responsible parties and revitalized; and
- 12 • Chemicals in the marketplace are reviewed for safety.⁴⁸

13 141. To accomplish its mission, EPA implements Congress’s environmental
 14 laws by writing and enforcing regulations.⁴⁹

15 142. EPA also carries out its mission by making grants. Indeed, “EPA’s
 16 mission to protect human health and the environment is accomplished, in large part, by the
 17

23 ⁴⁶ Marianne Lavelle & Peter Aldhous, *Trump’s EPA Funding Cuts Target Disadvantaged*
 24 *Communities*, Inside Climate News (May 1, 2025),
<https://insideclimateneWS.org/news/01052025/trump-epa-funding-cuts-target-disadvantaged-communities/#:~:text=The%20EPA's%20declaration%20said%20it,environmental%20justice%20is%20being%20terminated.>

26 ⁴⁷ U.S. Envtl. Prot. Agency, *Our Mission and What We Do* (Apr. 21, 2025),
<https://www.epa.gov/aboutepa/our-mission-and-what-we-do>.

28 ⁴⁸ *Id.*

29 ⁴⁹ *Id.*

1 awarding of funds to other organizations to conduct environmental program or projects.”⁵⁰

2 EPA awards more than \$4 billion in grants (called “assistance agreements”) every year.

3 143. According to EPA, its authority to make grants comes from three
4 sources. First is the U.S. Constitution, which gives Congress the power of the purse in the
5 Spending Clause. Second are statutes, in which Congress directs funds to be allocated to
6 specific programs. Finally, the EPA derives grant-making power from regulations.⁵¹

7 144. EPA makes many types of grants. One especially important type is
8 research grants, which are often obtained by university researchers.

9 145. EPA funds research through its Science to Achieve Results (STAR)
10 program; its People, Prosperity, and the Planet (P3) Program; and its Small Business
11 Innovation Research (SBIR) program. According to the agency, these “help to engage top
12 research scientists, non-profit organizations, students, and small businesses that results in a
13 strong scientific foundation to support the Agency’s mission of protecting human health and
14 the environment.”⁵²

15 146. The STAR program is the “primary competitive, peer-reviewed
16 extramural grant program that has awarded over 4,100 grants nationwide since 1995.” The
17 program “leverages the scientific and engineering expertise of academic and non-profit
18 institutions to conduct high priority environmental and public health research,” focusing on
19 the effects of “air pollution, water quality and quantity, hazardous waste, toxic substances,
20 pesticides, cumulative impacts, and more.”⁵³

21
22
23
24
25 ⁵⁰ U.S. Envtl. Prot. Agency, *EPA Grants Overview for Applicants and Recipients*,
26 https://www.epa.gov/grants/epa-grants-overview-applicants-and-recipients (last visited May 29,
27 2025).

28 ⁵¹ U.S. Envtl. Prot. Agency, *EPA Funding Instruments and Authorities*,
29 https://www.epa.gov/grants/epa-funding-instruments-and-authorities (last visited May 29, 2025).

⁵² U.S. Envtl. Prot. Agency, *About EPA’s Research Grants*, https://www.epa.gov/research-
grants/about-epas-research-grants (last visited May 29, 2025).

⁵³ *Id.*

1 147. STAR research is funded through Requests for Applications (RFAs)
 2 that are derived from the EPA Office of Research and Development's Strategic Plan. These
 3 grants "concentrate on areas of special significance to the EPA mission."⁵⁴

4 148. EPA grants are highly competitive. Of the approximately 2,500
 5 proposals for STAR research grants every year, it awards only around 150 research grants and
 6 125 graduate fellowships.⁵⁵

7 149. EPA research grants have funded critical projects, including research to
 8 advance clean drinking water technologies, address knowledge gaps in antimicrobial
 9 resistance, and reduce exposure to wildfire smoke.⁵⁶

10 **2. In Response to Trump Administration Directives, the EPA Improperly**
 11 **Changed Priorities and Canceled Existing Grants**

12 150. On his first day in office, President Trump signed Executive Order
 13 14151, "Ending Radical and Wasteful Government DEI Programs and Preferencing" (Jan. 20,
 14 2025). The Order instructs the Director of the Office of Management and Budget (OMB),
 15 assisted by the Attorney General and others, to "coordinate the termination of all
 16 discriminatory programs, including illegal DEI and 'diversity, equity, inclusion, and
 17 accessibility' (DEIA) mandates, policies, programs, preferences, and activities in the Federal
 18 Government, under whatever name they appear." The Order repeatedly mentions
 19 "environmental justice" as a target.⁵⁷

20 151. In particular, Executive Order 14151 directs each federal agency to
 21 "terminate, to the maximum extent allowed by law, all DEI, DEIA, and 'environmental
 22 justice' offices and positions... [and all] 'equity-related' grants or contracts" within 60 days.

24 ⁵⁴ U.S. Envtl. Prot. Agency, *Learn About Research Grants*, <https://www.epa.gov/research-grants/learn-about-research-grants> (last visited May 29, 2025).

25 ⁵⁵ *Id.*

26 ⁵⁶ See, e.g., U.S. Envtl. Prot. Agency, *Research Grants in the News* (Sept. 23, 2024), <https://www.epa.gov/research-grants/research-grants-news>.

27 ⁵⁷ Exec. Order No. 14151, *Ending Radical and Wasteful Government DEI Programs and Preferencing*, 90 Fed. Reg. 8339 (Jan. 20, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-01953/ending-radical-and-wasteful-government-dei-programs-and-preferencing>.

1 152. The President also signed Executive Orders related to energy, including
 2 “Declaring a National Energy Emergency” and “Unleashing American Energy.”

3 153. Shortly after President Trump took office, the EPA began working
 4 closely with DOGE.

5 154. By March 7, 2025, the Democratic Staff of the Senate Committee on
 6 Environment and Public Works reported that the EPA had issued guidance to senior staff
 7 indicating that “all [funding] actions greater than \$50,000 now require approval from an EPA
 8 DOGE Team member.”⁵⁸

9 155. A huge part of this DOGE-EPA collaboration included mass-canceling
 10 grants. The EPA made no secret of DOGE’s hand in EPA affairs, but rather, touted the DOGE
 11 partnership in press releases.

12 156. For example, on February 25, 2025, an EPA press release announced a
 13 “second round of EPA-DOGE partnered cancellations.” EPA stated that these cancellations
 14 “represent more than \$60 million saved as the EPA puts a stop to wasteful DEI and
 15 environmental justice programs.”⁵⁹

16 157. In a March 10, 2025 press release, EPA announced a fourth round of
 17 EPA-DOGE grant terminations, this time stating it was cancelling more than 400 grants
 18 “across nine unnecessary programs.” This press release concluded, as have others, by stating:
 19 “EPA continues to work diligently to implement President Trump’s Executive Orders.”⁶⁰

20
 21
 22 ⁵⁸ Senate Envtl. & Pub. Works Comm., *Letter to EPA Administrator Lee Zeldin Regarding*
 23 *\$50,000 Funding Approval Requirement* (Mar. 7, 2025),
https://www.epw.senate.gov/public/_cache/files/b/c/bc3eafb-38ea-4197-b655-8466b9901dce/00C154E2DBAFFDF3EF5063DA374406502B1835873497F8DE2F439A1710460D09.3.7.25-letter-to-epa-re-50k-attachments-002-.pdf.

23 ⁵⁹ U.S. Envtl. Prot. Agency, *EPA Administrator Lee Zeldin Cancels 20 Grants in 2nd Round of Cuts with DOGE, Saving Americans More than \$60M* (Feb. 25, 2025),
<https://www.epa.gov/newsreleases/epa-administrator-lee-zeldin-cancels-20-grants-2nd-round-cuts-doge-saving-americans>.

24 ⁶⁰ U.S. Envtl. Prot. Agency, *EPA Administrator Lee Zeldin Cancels 400+ Grants in 4th Round of Cuts with DOGE, Saving Americans More than \$1.7B* (March 10, 2025),
<https://www.epa.gov/newsreleases/epa-administrator-lee-zeldin-cancels-400-grants-4th-round-cuts-doge-saving-americans>.

1 158. The EPA has aligned itself closely with the Trump Administration. For
 2 example, on March 12, 2025 alone, the EPA issued 10 press releases in which it referred to
 3 itself as the “Trump EPA.”⁶¹

4 159. Also on March 12, EPA Acting Assistant Administrator Jeffrey Hall
 5 issued an internal memo regarding “Implementing National Enforcement and Compliance
 6 Initiatives Consistently with Executive Orders and Agency Priorities” (the “March 12
 7 Administrator Memo”).⁶²

8 160. Among EPA’s functions is to establish, every four years, National
 9 Enforcement and Compliance Initiatives (“NECIs”) that are published in the Federal Register.
 10 These are “national initiatives, developed in a non-partisan way across administrations” after
 11 soliciting public input.⁶³ NECIs allow the EPA to focus its resources on widespread
 12 problems.⁶⁴

13 161. NECIs for fiscal year 2023-2027 were set on August 17, 2023. The six
 14 NECIs—half of which were modified or continued from prior years—are: (1) mitigating
 15 climate change; (2) addressing exposure to PFAS; (3) protecting communities from coal ash
 16 contamination; (4) reducing air toxics in overburdened communities; (5) increasing
 17 compliance with drinking water standards; and (6) chemical accident risk reduction.⁶⁵

18 162. While the March 12 Memo did not (yet) purport to eliminate the
 19 NECIs, it did state, ominously, that notwithstanding the robust and legally required public
 20 process used to produce them, “the focus of specific NECIs shall be adjusted to conform to
 21 the President’s Executive Orders and the Administrator’s Initiative.”⁶⁶

22 ⁶¹ U.S. Env'tl. Prot. Agency, *Search News Release*,
 23 <https://www.epa.gov/newsreleases/search?f%5B0%5D=year%3A2025-03&page=3> (last visited
 May 27, 2025).

24 ⁶² U.S. Env'tl. Prot. Agency, *Implementing National Enforcement and Compliance Initiatives
 Consistently with Executive Orders and Agency Priorities* (Mar. 12, 2025),
<https://www.epa.gov/system/files/documents/2025-03/necimemo-20250312.pdf>.

25 ⁶³ U.S. Env'tl. Prot. Agency, *FY 2024–2027 National Enforcement and Compliance Initiatives*
 (Aug. 17, 2023), <https://www.epa.gov/system/files/documents/2023-08/fy2024-27necis.pdf>.

26 ⁶⁴ *Id.*

27 ⁶⁵ *Id.*

28 ⁶⁶ U.S. Env'tl. Prot. Agency, *Implementing National Enforcement and Compliance Initiatives
 Consistently with Executive Orders and Agency Priorities* (Mar. 12, 2025),

1 163. The “Administrator’s Initiative” refers to EPA Administrator Lee
 2 Zeldin’s “Powering the Great American Comeback” initiative, which he announced on
 3 February 4, 2025. The initiative has five major pillars: (1) Clean Air, Land, and Water for
 4 Every American; (2) Restore American Energy Dominance; (3) Permitting Reform,
 5 Cooperative Federalism, and Cross-Agency Partnership; (4) Make the United States the
 6 Artificial Intelligence Capital of the World; and (5) Protecting and Bringing Back American
 7 Auto Jobs.⁶⁷

8 164. More generally, the March 12 Memo made clear that the EPA would
 9 conform to President Trump’s wishes, regardless of the agency’s congressional mandates.

10 165. In a court filing on April 23, 2025, an EPA Deputy Assistant
 11 Administrator (Dan Coogan) revealed that EPA leadership had conducted a review of grants
 12 to determine “which should be terminated based on alignment with Administration priorities.”
 13 He stated that “EPA began this process for the Administration in January 2025.”⁶⁸

14 166. Although the EPA asserted that this was an “individualized, grant-by-
 15 grant review,” it provided no substantiation that this occurred, and there is no reason to
 16 believe that it did. Instead, Mr. Coogan revealed that EPA was slated to terminate entire grant
 17 programs and spheres of activity that Congress had mandated in the Inflation Reduction Act.
 18 These included: (a) the Environmental Justice Collaborative Problem-Solving Cooperative
 19 Agreement Program; (b) Surveys, Studies, Investigations, Training and Special Purpose
 20 Activities Relating to Environmental Justice; (c) the Environmental Justice Government-to-
 21 Government Program; (d) the Environmental Justice Small Grant Program; (e) Financial
 22 Assistance for Community Support Activities To Address Environmental Justice Issues; (f)
 23 the Environmental Justice Thriving Communities Grantmaking Program; (g) the

24
 25 https://www.epa.gov/system/files/documents/2025-03/necimemo-20250312.pdf.
 26
 27 ⁶⁷ U.S. Envtl. Prot. Agency, *ICYMI: Administrator Zeldin’s “Powering the Great American*
Comeback” Unveiled at the EPA (Feb. 4, 2025).
 28 https://www.epa.gov/newsreleases/icymi-administrator-zeldins-powering-great-american-
 comeback-unveiled-epa.
 29 ⁶⁸ U.S. Envtl. Prot. Agency, *EPA Court Filing* (Apr. 23, 2025),
 https://www.documentcloud.org/documents/25919517-epa-court-filing-april-23-
 2025/?mode=document at ¶ 3.

1 Environmental and Climate Justice Block Grant Program; and (h) Reducing Embodied
 2 Greenhouse Gas Emissions for Construction Materials and Products.⁶⁹

3 167. Despite a district court's issuance of a preliminary injunction on April
 4 15, 2025 preventing the EPA from indefinitely freezing grants previously awarded under
 5 Biden-era legislation,⁷⁰ Mr. Coogan stated that the EPA would maintain its grant terminations.
 6 He revealed that EPA had sent notices of termination to 377 grantees, and would send
 7 termination letters to an additional 404 grantees within two weeks.⁷¹

8 168. On information and belief, EPA turned its attention to universities and
 9 other research grants on or around April 15, 2025. According to reports, Mr. Coogan on that
 10 date sent an email directing staff to cancel existing grants awarded to universities and research
 11 institutes.⁷²

12 169. Grant termination documents make plain that the agency is not
 13 conducting any proper review of grants, but rather, baselessly terminating grants to promote
 14 the President's agenda. Grants terminated because they supposedly do not "effectuate agency
 15 priorities" (which mirror the President's priorities) include those intended to, for example,
 16 provide clean drinking water in rural communities or provide air purifiers for children with
 17 asthma.⁷³

18 170. Instead of providing researchers with reasoned explanations of
 19 termination decisions, the EPA is sending form termination letters. The letters are not
 20 personalized or even signed.

21 ⁶⁹ *Id.* at ¶ 6.

22 ⁷⁰ National Council of Nonprofits, *Statement in Response to Preliminary Injunction Issued in Woonasquatucket River Watershed Council et al v. Department of Agriculture et al* (Apr. 15, 2025), <https://www.councilofnonprofits.org/pressreleases/statement-response-preliminary-injunction-issued-woonasquatucket-river-watershed>.

23 ⁷¹ *Id.* at ¶ 5.

24 ⁷² See Erik Stokstad, *EPA Orders Staff to Begin Canceling Research Grants*, Science (Apr. 21, 2025), <https://www.science.org/content/article/epa-orders-staff-begin-canceling-research-grants>; and Hiriko Tabuchi, *E.P.A. Set to Cancel Grants Aimed at Protecting Children from Toxic Chemicals*, The New York Times (Apr. 21, 2025), <https://www.nytimes.com/2025/04/21/climate/epa-cuts-forever-chemicals-grants.html>.

25 ⁷³ Hayley Smith, *California Nonprofits Suffer After EPA Cancels Hundreds of Environmental Grants*, Los Angeles Times (May 8, 2025), <https://www.latimes.com/environment/story/2025-05-08/california-nonprofits-suffer-after-epa-cancels-hundreds-of-environmental-grants>.

1 171. One such letter, received by Plaintiff Thakur on April 28, 2025, reads
2 as follows:

Subject: Termination of EPA Assistance Agreement [Grant No.]
under 2 CFR 200.340
From: EPA Award Official
To: [Grant Recipient]

This EPA Assistance Agreement is terminated in its entirety effective immediately on the grounds that the award no longer effectuates the program goals or agency priorities. The objectives of the award are no longer consistent with EPA funding priorities.

The EPA Administrator has determined that, per the Agency's obligations to the constitutional and statutory law of the United States, this priority includes ensuring that the Agency's grants do not conflict with the Agency's policy of prioritizing merit, fairness, and excellence in performing our statutory functions. In addition to complying with the law, it is vital that the Agency assess whether all grant payments are free from fraud, abuse, waste, and duplication, as well as to assess whether current grants are in the best interests of the United States.

The grant specified above provides funding for programs that promote initiatives that conflict with the Agency's policy of prioritizing merit, fairness, and excellence in performing our statutory functions; that are not free from fraud, abuse, waste, or duplication; or that otherwise fail to serve the best interests of the United States. The grant is inconsistent with, and no longer effectuates, Agency priorities.

172. This pro-forma explanation citing vague “Agency priorities” does not constitute reasoned decision-making nor explain why the terminated grants no longer effectuate such priorities.

3. EPA Plaintiffs and Other Grant Recipients Are Harmed by EPA's Illegal Grant Terminations

173. Plaintiffs and Class members have long relied on EPA grants to fund meritorious projects aimed at protecting human health and the environment. The termination of previously approved grants has caused and continues to cause Plaintiffs and Class members serious harm.

a. Plaintiff Neeta Thakur's Grant Termination and Resulting Harm

174. Dr. Neeta Thakur is a pulmonary and critical care specialist at the University of California, San Francisco (UCSF) who examines the role of social and environmental stressors on asthma and COPD in historically marginalized communities. She currently serves as Medical Director of the Zuckerberg San Francisco General Hospital Chest Clinic and is an associate professor of medicine and pulmonary and critical care clinician at UCSF.

175. Dr. Thakur's research focuses on (1) defining obstructive lung disease phenotypes that exist in racially and ethnically diverse communities and how these are shaped by social and environmental stressors; (2) identifying community-specific drivers that place individuals at high risk for poor outcomes; and (3) co-developing place-based and targeted interventions aimed at social and environmental stressors to improve respiratory outcomes in historically marginalized populations. In recognition of her research leadership, she was this year (2025) made faculty director of Clinical Research Operations for the Clinical Trials Operations Unit at UCSF's Clinical & Translational Science Institute.

176. Dr. Thakur's research has been supported by state grants, federal grants from the National Institutes of Health (NIH), foundation grants, and other sources.

Grant Application to EPA

177. In November 2021, Dr. Thakur submitted a grant application to EPA in response to its announcement of funding opportunity EPA-G2021-STAR-H1. This opportunity, made available through the agency's Science to Achieve Results (STAR) program, focused on "Cumulative Health Impacts at the Intersection of Climate Change, Environmental Justice, and Vulnerable Populations/Lifestages: Community-Based Research for Solutions."

178. The grant application, titled “Partnering for Resilient Opportunities To Eliminate Toxic (PROTECT) Health Effects from Wildfire PM_{2.5} in Environmental Justice

1 Communities,” addressed the potential to prevent adverse health effects to environmental
 2 justice communities from the fine particulate matter (PM2.5) from wildfire smoke.

3 179. The proposal aimed to (1) estimate the health effects of sub-daily
 4 exposure to wildfire-specific PM2.5 in California, with particular focus on effects within
 5 environmental justice communities; (2) understand community recovery from short-term
 6 health effects following exposure; (3) understand indoor infiltration of wildfire smoke and the
 7 mitigating effect of housing quality and behaviors on health effects; and (4) identify
 8 acceptable, community-relevant interventions to mitigate exposure. Dr. Thakur was the
 9 Principal Investigator on the grant proposal, which included nine investigators across three
 10 institutions: UCSF, UC Berkeley, and California’s Office of Environmental Health Hazard
 11 Assessment.

12 180. The grant Application requested funding commensurate with the
 13 cumulative 3-year budget of \$1,330,536 to support this multi-campus, multi-agency, multi-
 14 nonprofit research collaboration.

15 EPA’s Grant Award

16 181. On November 22, 2022, an EPA Senior Grants Management Specialist,
 17 Jennifer Brooks, sent Dr. Thakur a Notice of EPA’s award and the Grant Agreement. The
 18 Agreement authorized the proposal for Project Period 12/01/2022-11/30/2025; committed an
 19 initial grant of \$690,000 (approximately half of project costs); and explained that EPA was
 20 “funding this agreement incrementally.”

21 182. On June 21, 2023, Brooks sent Dr. Thakur a second Notice of EPA
 22 Award and an Assistance Amendment. The Amendment likewise indicated that the team was
 23 authorized to proceed for Project Period 12/01/2022-11/30/2025. It stated that EPA was
 24 awarding \$640,536, bringing the total federal funding award to \$1,330,536.

25 EPA’s Grant Termination

26 183. On April 28, 2025, EPA sent to the UC Regents an “Assistance
 27 Amendment” that instructed Thakur’s team to “stop work; terminate the [grant] agreement;
 28 reduce performance period duration; [and] curtail scope of work.” It stated that “(EPA)

1 hereby awards \$0.00” towards any unfunded, as-yet-unincurred costs of the previously
 2 awarded \$1,330,536.

3 184. The Assistance Amendment stated: “The Agency is asserting its right
 4 under 2 C.F.R. 200.340 and the Termination General Term and Condition [sic] of this
 5 agreement to unilaterally terminate this award.” The Amendment was accompanied by a
 6 memorandum from EPA to the Director of Contracts and Awards at UCSF titled
 7 “Termination of EPA Assistance Agreement RD 84048101 under 2 CFR 200.340.”

8 185. The memo stated that EPA terminated Dr. Thakur’s grant because “the
 9 award no longer effectuates the program goals or agency priorities.” It further asserted that the
 10 grant “provides funding for programs that promote initiatives that conflict with the Agency’s
 11 policy of prioritizing merit, fairness, and excellence in performing our statutory functions;
 12 that are not free from fraud, abuse, waste, or duplication; or that otherwise fail to serve the
 13 best interests of the United States. The grant is inconsistent with, and no longer effectuates,
 14 Agency priorities.”

15 186. This explanation does not explain why the grant would contradict
 16 agency priorities when EPA Director Zeldin has announced new priorities under his
 17 “Powering the Great American Comeback” initiative that align fully with the purpose of Dr.
 18 Thakur’s grant. The first stated EPA priority is “Clean Air, Land, and Water for Every
 19 American.”⁷⁴ Dr. Thakur’s grant effectuates that purpose.

20 187. As a result of this unilateral, unlawful grant termination, Dr. Thakur
 21 has been unable to complete health analyses with UC Berkeley grantee-colleagues, or to
 22 identify promising strategies to protect community health across California during wildfire
 23 smoke events.

24 188. Instead, Dr. Thakur has had to spend significant time seeking alternate
 25 funding sources. This includes unexpected grant writing, and reaching out to other funding

27 28 ⁷⁴ U.S. Envtl. Prot. Agency, *EPA Administrator Lee Zeldin Announces EPA’s “Powering the Great American Comeback” Initiative* (Feb. 4, 2025), <https://www.epa.gov/newsreleases/epa-administrator-lee-zeldin-announces-epas-powering-great-american-comeback>.

1 sources, including philanthropy groups. In addition, to support staff and avoid layoff of two
 2 individuals, she has had to use her own discretionary funds to support team members.

3 189. The UCSF and UC Berkeley researchers on this grant have also been
 4 unable to complete the proposed analyses of the health impacts of wildfire smoke events
 5 across California. This is after considerable work by UC Berkeley researchers to develop a
 6 map unprecedented in its detail, showing hourly levels of wildfire smoke by location. As a
 7 consequence of termination, at least three research publications will go unpublished that have
 8 the potential for high impact for public health and for science more generally.

9 190. The premature termination of this grant has also compromised the trust-
 10 building necessary for community-engaged participatory action research. It has taken years of
 11 effort for Dr. Thakur to develop relationships with the community based organizations and
 12 community-engaged individuals who assisted Dr. Thakur in obtaining this grant (by writing
 13 letters in support), with the expectation that her project would deliver tangible benefits to their
 14 low income communities in the form of improved respiratory health. EPA's termination of
 15 this grant will make it more difficult for her and her collaborators to partner with
 16 organizations such as the Central California Asthma Collaborative in Fresno and the
 17 environmental justice nonprofit Brightline in San Francisco, as well as a specific community-
 18 trusted scientist in Richmond.

19 191. Additionally, were Dr. Thakur and her team to eventually find
 20 replacement funding for this project (a difficult proposition given the sums at stake), they
 21 would no longer be adequate to cover personnel, equipment and outreach expenses.

22 192. These personal and financial harms are ongoing.

23 193. These harms are in addition to the loss of value to the public from
 24 Dr. Thakur's research team's inability to complete work on studying health risks from the fine
 25 particulate matter associated with wildfire, and inability to design health-protective
 26 interventions for three of California's most health-vulnerable communities.

27

28

b. Plaintiff Ken Alex's Grant Termination and Resulting Harm

194. Since 2019, Ken Alex has served as Director of Project Climate at the Center for Law, Energy & the Environment (CLEE) at UC Berkeley School of Law. He founded Project Climate, a think tank designed to move promising environmental research into the policy realm quickly.

195. Prior to joining CLEE, Alex worked for many years for Governor Jerry Brown on climate-related policy and, before that, for the California Attorney General's Office. His roles as climate policy expert and gubernatorial advisor on the topic were the subject of a 2020 profile in CalMatters.⁷⁵

EPA Grant Application

196. In 2022, EPA's Office of Research and Development sought applications proposing research on air emissions from municipal solid waste (MSW) landfills, which are a significant source of methane emissions—one of Alex's areas of expertise. The grant solicitation was part of EPA's Science to Achieve Results (STAR) program, and was conducted in collaboration with the Air, Climate, and Energy (ACE) research program.

197. EPA's request for applications solicited proposals that addressed EPA-identified research priorities, including "cost effective stationary, mobile, aerial, and remote sensing" technologies and measurements that could accurately quantify methane emissions from landfills and evaluate strategies to mitigate them. EPA also sought proposals that encompassed landfill emissions of "hazardous air pollutants (HAPs), and other air pollutant emissions from municipal solid waste (MSW) landfills."⁷⁶

198. In collaboration with a UC Berkeley engineer with specialized expertise in landfill design and other researchers, Alex developed a detailed proposal for applying cutting edge technologies, including satellites and AI, to improve the detection of methane and HAP releases from landfills and to improve the quality of policy responses. The

⁷⁵ See Julie Cart, *Meet Ken Alex, Gov. Brown's Climate Concierge* (updated June 23, 2020), <https://calmatters.org/environment/2018/10/ken-alex-jerry-brown-climate-change-california/>.

⁷⁶ See EPA Solicitation for PA-G2023-STAR-B1, *Understanding and Control of Municipal Solid Waste Landfill Air Emissions*, https://cfpub.epa.gov/ncer_abstracts/index.cfm/fuseaction/display.rfatext/rfa_id/701.

1 Grant Application was submitted to EPA on December 21, 2022. It proposed a cumulative
 2 budget of \$999,999 (later rounded to \$1,000,000).

3 Award of Grant Funding

4 199. On October 19, 2023, EPA notified UC Berkeley that it was awarding
 5 the grant, and provided the first of two installments of grant funding.

6 200. On December 16, 2024, EPA notified UC Berkeley that it was
 7 awarding the second and final installment of grant funding, bringing the total funding
 8 awarded to \$1,000,000.

9 201. The EPA's web page, *Understanding and Control of Municipal Solid*
 10 *Waste Landfill Air Emissions Grants* (<https://www.epa.gov/research-grants/understanding-and-control-municipal-solid-waste-landfill-air-emissions-grants>) (accessed May 12, 2025)
 11 continues to publicize the grant as one among five awarded.

12 EPA's Grant Termination

13 202. On April 29, 2025, EPA sent to the UC Regents an "Assistance
 14 Amendment" that instructed Alex's research team to "stop work; terminate the [grant]
 15 agreement; reduce performance period duration; [and] curtail scope of work." It stated that
 16 "(EPA) hereby awards \$0.00" towards any unfunded, as-yet-unincurred costs of the
 17 previously awarded \$1,000,000.

18 203. The Assistance Amendment stated: "The Agency is asserting its right
 19 under 2 C.F.R. 200.340 and the Termination General Term and Condition of this agreement to
 20 unilaterally terminate this award." The Amendment was accompanied by a memorandum
 21 from EPA titled "Termination of EPA Assistance Agreement RD 84062301 under 2 CFR
 22 200.340."

23 204. The memo stated that EPA terminated Alex's grant because "the award
 24 no longer effectuates the program goals or agency priorities." The memo further asserted that
 25 the grant "provides funding for programs that promote initiatives that conflict with the
 26 Agency's policy of prioritizing merit, fairness, and excellence in performing our statutory
 27 functions; that are not free from fraud, abuse, waste, or duplication; or that otherwise fail to

1 serve the best interests of the United States. The grant is inconsistent with, and no longer
 2 effectuates, Agency priorities.”

3 205. The memo did not explain why Alex’s grant no longer effectuates EPA
 4 priorities, which currently include “Clean Air, Land, and Water for Every American.”

5 Harm from EPA’s Grant Termination

6 206. Alex and his project team have suffered immediate harm as a result of
 7 the unlawful unilateral cancellation of the grant. Specifically, the team has been unable to
 8 continue and complete the novel work related to evaluating HAPs and their relationship to
 9 methane emissions from landfills. Furthermore, some of his researchers and graduate students
 10 have already lost hours and compensation, and one or more will likely be let go.

11 207. Even if Alex and his team were eventually to find replacement funding
 12 for this project (a difficult proposition given the sum at stake), the delay and uncertainty
 13 would preclude full recovery of the project.

14 c. Plaintiff Nell Green Nylen’s Grant Terminations and Resulting
 15 Harm

16 208. Dr. Nell Green Nylen joined the Wheeler Water Institute at the Center
 17 for Law, Energy & the Environment (CLEE) at UC Berkeley School of Law as a Research
 18 Fellow in 2013. Since 2016, she has been a Senior Research Fellow at CLEE, providing
 19 analysis and recommendations at the intersection of law, policy, and science to inform water
 20 governance and management.

21 209. Much of Dr. Green Nylen’s work at CLEE has focused on improving
 22 management of water resources across hydrologic extremes—from times of water scarcity to
 23 times of abundance. This includes research on enhanced aquifer recharge (“EAR”), a tool for
 24 capturing water to increase groundwater supply. Another area of her focus has been
 25 improving the information and policy environment for implementing innovative water
 26 management solutions, including water reuse.

27

28

1 210. EPA unilaterally terminated two large grants Dr. Green Nylen was
 2 working on that were meant to fund collaborative work with other researchers on issues at the
 3 core of her technical and legal expertise.

4 EPA Enhanced Aquifer Recharge Grant Application and Funding

5 211. In 2021, EPA's Office of Research and Development sought
 6 applications proposing research to develop cost-benefit tools to support EAR. The grant
 7 solicitation was part of EPA's Science to Achieve Results (STAR) program and solicited
 8 research proposals that would "identify the key economic, technological, institutional, and
 9 legal factors that affect the ability to implement" EAR projects; identify best practices and
 10 tools for implementing EAR projects to achieve different purposes; and, ultimately, "improve
 11 life-cycle cost-benefits analysis to support cost-effective enhanced aquifer recharge."

12 212. Dr. Green Nylen was part of a UC Berkeley team that collaborated with
 13 a broader multi-disciplinary team of researchers from UC Davis, UC Santa Cruz, and UC Law
 14 San Francisco to develop a proposal that they submitted to EPA on January 13, 2022.

15 213. The proposal—titled "A Knowledge-to-Implementation Framework for
 16 Enhanced Aquifer Recharge"—described a three-year project with outputs including: (a)
 17 developing guidance on evaluating EAR sites, determining what conditions are necessary to
 18 effectively maintain an EAR project, and ensuring that EAR projects maintain aquifer water
 19 quality; (b) developing guidance on navigating the legal, policy, and organizational contexts
 20 for EAR; (c) developing recommendations for legal and policy changes that could facilitate
 21 EAR; (d) developing a generalized framework for cost-benefit analysis of EAR projects; and
 22 (e) creating a capstone "Lifecycle Map" report on EAR. In other words, the outputs would
 23 provide one-stop shopping for people interested in planning, evaluating, and implementing
 24 EAR projects. The Grant Application proposed a cumulative budget of \$2,000,000 (later
 25 adjusted to \$1,999,998).

26 214. On July 20, 2022, EPA notified UC Berkeley that it was awarding the
 27 grant. The award was publicized on EPA's web page, *Life-Cycle Analysis to Support Cost-*
28 Effective Enhanced Aquifer Recharge Grant (<https://www.epa.gov/research-grants/life-cycle->

1 analysis-support-cost-effective-enhanced-aquifer-recharge-grant). The grant's original end
 2 date was August 31, 2025. On April 10, 2025, Dr. Green Nylen's team requested a no-cost
 3 extension of the grant for which they received verbal approval and were awaiting formal
 4 written approval.

5 EPA's Termination of the Enhanced Aquifer Recharge Grant

6 215. On May 7, 2025, EPA sent the UC Regents a document styled as an
 7 "Assistance Amendment" that instructed Dr. Green Nylen's team to "stop work; terminate the
 8 [grant] agreement; reduce performance period duration; [and] curtail scope of work." It also
 9 stated that "(EPA) hereby awards \$0.00" towards any as-yet-unincurred costs. Through the
 10 Assistance Amendment, EPA was purportedly "asserting its right under 2 CFR 200.340 and
 11 the Termination General Term and Condition of this agreement to unilaterally terminate this
 12 award."

13 216. The Amendment was accompanied by a memorandum from EPA to the
 14 Contracts and Grants Officer for the Regents of the University of California titled
 15 "Termination of EPA Assistance Agreement RD- 84046301-1 under 2 CFR 200.340." The
 16 memo stated that EPA terminated Dr. Green Nylen's grant because, according to the memo,
 17 "the award no longer effectuates the program goals or agency priorities." The memo further
 18 asserted that the grant "provides funding for programs that promote initiatives that conflict
 19 with the Agency's policy of prioritizing merit, fairness, and excellence in performing our
 20 statutory functions; that are not free from fraud, abuse, waste, or duplication; or that otherwise
 21 fail to serve the best interests of the United States. The grant is inconsistent with, and no
 22 longer effectuates, Agency priorities."

23 217. The memo did not explain why EPA had concluded that Dr. Green
 24 Nylen's award is "no longer consistent with EPA funding priorities," which are defined partly
 25 by governing statutes, and federal statutes specifically identify EAR research as an EPA
 26 funding priority and mandate. *See* 33 U.S.C § 1276. It also did not explain why the project
 27 was inconsistent with the EPA's priority pillars, which include ensuring that "[e]very

28

1 American [has] access to clean air, land, and water” and prioritizing permitting reform.⁷⁷ The
 2 core purpose of the team’s research is promoting access to clean water.

3 **EPA Water Reuse Grant Application and Funding**

4 218. In 2021, EPA’s Office of Research and Development sought
 5 applications proposing research designed to “accelerate water innovation, information
 6 availability, and engagement to advance clean and safe water reuse goals, promote better
 7 understanding of the Nation’s water and wastewater treatment and infrastructure, and enhance
 8 the availability and efficient use of water resources through water reuse.”

9 219. In response to the solicitation, the Director of the Wheeler Water
 10 Institute at CLEE and Dr. Green Nylen collaborated with a multi-disciplinary team of
 11 researchers from Iowa State University and the University of Rhode Island to develop a
 12 research proposal aimed at accelerating readiness for water reuse in small water systems
 13 across the nation.

14 220. The lead Principal Investigator at Iowa State University submitted the
 15 grant proposal—titled “Accelerating Technical and Community Readiness for Water Reuse in
 16 Small Systems”—to EPA on September 29, 2021. It described a four-year project that would
 17 (a) develop methods to inventory sources of water for beneficial reuse across the nation; (b)
 18 produce guidance on water source / treatment technology / end-use combinations that may be
 19 appropriate for small communities; (c) support cost-benefit analysis of different water reuse
 20 options in small communities; (d) survey small communities to assess public attitudes towards
 21 different water reuse options; (e) produce guidance on opportunities for fostering institutional
 22 innovation to overcome barriers to water reuse in small communities; and (f) construct
 23 implementation roadmaps centered around windows of opportunity for water reuse for several
 24 case-study communities.

25 221. The Grant Application proposed a total budget of \$4,057,500,
 26 combining a request for \$3,246,000 of federal funds with a commitment from the research

27 ⁷⁷ See Administrator Lee Zeldin Announces EPA’s “Powering the Great American Comeback”
 28 Initiative, EPA (Feb. 4, 2025), <https://www.epa.gov/newsreleases/epa-administrator-lee-zeldin-announces-epas-powering-great-american-comeback>.

1 team to provide an \$811,500 cost share from other sources. The budget included (a) personnel
 2 and personnel travel costs; (b) participant support costs; (c) laboratory supplies and laboratory
 3 user fees; (d) support for consultants; (e) tuition remission for graduate students; and (f)
 4 indirect costs. This included a subaward of \$559,941 to UC Berkeley.

5 222. On August 8, 2022, EPA notified Iowa State University that it was
 6 awarding the grant, and Iowa State University notified the subrecipients, including UC
 7 Berkeley. The award was publicized on EPA's web page, *National Priorities: Water*
 8 *Innovation, Science and Engagement to Advance Water Reuse Grants*
 9 ([https://www.epa.gov/research-grants/national-priorities-water-innovation-science-and-](https://www.epa.gov/research-grants/national-priorities-water-innovation-science-and-engagement-advance-water-reuse-1)
 10 engagement-advance-water-reuse-1).

11 EPA's Termination of the Water Reuse Grant

12 223. On May 12, 2025, EPA sent to Iowa State University a document
 13 styled as an “Assistance Amendment” that instructed Dr. Green Nylen’s team to “stop work;
 14 terminate the [grant] agreement; reduce performance period duration; [and] curtail scope of
 15 work.” It also stated that “(EPA) hereby awards \$0.00” towards any as-yet-unincurred costs.
 16 Through the Assistance Amendment, the EPA was purportedly “asserting its right under 2
 17 CFR 200.340 and the Termination General Term and Condition of this agreement to
 18 unilaterally terminate this award.”

19 224. The Amendment was accompanied by a memorandum from EPA to the
 20 Pre-Award Administrator at Iowa State University titled “Termination of EPA Assistance
 21 Agreement CR- 84046101 under 2 CFR 200.340.” The memo stated that EPA terminated Dr.
 22 Green Nylen’s grant because, according to the memo, “the award no longer effectuates the
 23 program goals or agency priorities.” The memo further asserted that the grant “provides
 24 funding for programs that promote initiatives that conflict with the Agency’s policy of
 25 prioritizing merit, fairness, and excellence in performing our statutory functions; that are not
 26 free from fraud, abuse, waste, or duplication; or that otherwise fail to serve the best interests
 27 of the United States. The grant is inconsistent with, and no longer effectuates, Agency

28

1 priorities.” The reasons provided for termination of the EPA Water Reuse Grant and the EPA
 2 Enhanced Aquifer Recharge Grant were identical.

3 225. As with the EPA Enhanced Aquifer Recharge Grant, the termination
 4 memo for the EPA Water Reuse Grant did not explain how EPA concluded that the award is
 5 “no longer consistent with EPA funding priorities,” even though EPA states that addressing
 6 the wastewater challenges of small, rural communities remains one of its ongoing priorities.⁷⁸

7 Harm from the Grant Terminations

8 226. Dr. Green Nylen, and the larger project teams for both grant projects,
 9 have suffered immediate harm as a result of the cancellation of these grants.

10 227. For the Enhanced Aquifer Recharge Grant, the harms include: an
 11 inability to proceed with the basic work of refining the team’s analysis and distilling that
 12 information for the capstone Lifecycle Map report and the team’s inability to work together to
 13 complete the capstone report and the accompanying cost-benefit analysis decision support
 14 tool.

15 228. For the Water Reuse Grant, the harms include an inability to proceed
 16 with the basic work of the project. For example, the team has been unable to continue their
 17 interview-based research. Further, if the funding is not reinstated, the work that has already
 18 gone into the project will go to waste.

19 229. For both grants, even if replacement funding is secured, the delay will
 20 preclude full recovery of the project. The current teams are unlikely to be able to stay together
 21 over a prolonged period. Further, time spent searching for replacement funding has
 22 considerable opportunity and financial costs (as well as societal costs), as that time would
 23 otherwise be allocated to work on other water-related research projects that confer public
 24 benefit.

25
 26
 27 ⁷⁸ See EPA Announces \$49 Million in Technical Assistance to Help Rural, Small, and Tribal
 28 Communities Address Wastewater Challenges (Apr. 29, 2025),
<https://www.epa.gov/newsreleases/epa-announces-49-million-technical-assistance-help-rural-small-and-tribal-0>.

1 230. In addition, at CLEE, the jobs of every member of the water team are
 2 currently threatened by these grant terminations. CLEE is a self-funded entity at UC Berkeley
 3 that does not receive general salary support from the University. Without grant and contract
 4 funding, the team members will not get paid their full salary and could lose their jobs. Absent
 5 the reinstatement of these grants, members of the team could likely be let go in the coming
 6 months.

7 **B. National Endowment for the Humanities**

8 231. The National Endowment for the Humanities (“NEH”) is an
 9 independent federal agency established to support the advancement of the humanities across
 10 the United States.

11 **1. Congress Established NEH to Fund Projects to Support Humanities**
 12 **Research, Training, and Education**

13 232. Congress created NEH in 1965, as part of the National Foundation on
 14 the Arts and Humanities Act of 1965 (“NFAHA”). Pub. L 89-209, 79 Stat. 845 (Sept. 29,
 15 1965) (codified at 20 U.S.C. §§ 951-60).

16 233. The legislation was the result of years of advocacy to ensure that arts
 17 and humanities were not left behind as the nation focused on scientific progress. As laid out in
 18 the enabling statute, a “high civilization must not limit its efforts to science and technology
 19 alone but must give full value and support to the other great branches of man’s scholarly and
 20 cultural activity.” P.L. 89-209, sec. 2(2). Congress further explained that it was necessary and
 21 appropriate for the federal government to create and sustain a “climate encouraging freedom
 22 of thought, imagination, and inquiry.” *Id.* at (4).

23 234. In the sixty years since NFAHA’s passage, Congress has repeatedly
 24 reaffirmed its commitment to these goals. Last updated in 1990, the enabling statute makes
 25 clear that the “humanities belong to all people of the United States,” 20 U.S.C. § 951(1), and
 26 that “[d]emocracy demands wisdom and vision in its citizens. It must therefore foster and
 27 support a form of education, and access to the arts and the humanities, designed to make

28

1 people of all backgrounds and wherever located masters of their technology and not its
 2 unthinking servants.” *Id.* at § 951(4).

3 235. In other words, congressional intent was to ensure that what is now
 4 sometimes short-handed as “DEI,” and branded by Defendants as illegal and undesirable, was
 5 Congress’s actual mandate, unchanged for 60 years, until upended on Inauguration Day.

6 236. Congress determined it is “necessary and appropriate for the Federal
 7 Government to complement, assist, and add to programs for the advancement of the
 8 humanities and the arts by local, State, regional, and private agencies and their organizations.”
 9 20 U.S.C. § 951(5). Congress created NEH and its sister agency the National Endowment for
 10 the Arts (“NEA”) so Americans could understand “the diversity of excellence that comprises
 11 our cultural heritage.” *Id.* at 951(9).

12 237. Accordingly, Congress established NEH to provide funding for
 13 individuals involved in research, publication of scholarly works, and promotion of the
 14 humanities. *See* 20 U.S.C. § 956. Under the statute, the Chairperson of the NEH is
 15 “authorized to enter into arrangements, including contracts, grants, loans, and other forms of
 16 assistance” to effectuate these goals. *Id.*

17 238. Congress’s directives for NEH specifically require it to support diverse
 18 and underrepresented viewpoints.

19 239. For example, one statutory function of NEH is to authorize grants to
 20 “initiate and support programs and research which have substantial scholarly and cultural
 21 significance and that reach, or reflect the diversity and richness of our American cultural
 22 heritage, including the culture of, a minority, inner city, rural, or tribal community.” 20 U.S.C.
 23 § 956(c)(4).

24 240. Likewise, in selecting recipients of funding, NEH’s Chairperson “shall
 25 give particular regard to scholars, and educational and cultural institutions, that have
 26 traditionally been underrepresented.” 20 U.S.C. § 956(c).

27 241. Congress’s commitment to funding humanities initiatives that mirror
 28 the breadth and diversity of American culture is clear in the structure of the grant-making

1 process. Under the statute, the Chairperson of the NEH determines funding “with the advice
 2 of the National Council on the Humanities.” 20 U.S.C. § 956(c).

3 242. The Council is comprised of twenty-six members appointed by the
 4 President, “selected from among private citizens of the United States who are recognized for
 5 their broad knowledge of, expertise in, or commitment to the humanities,” and who will
 6 “provide a comprehensive representation of the view of scholars and professional
 7 practitioners in the humanities and of the public throughout the United States.” 20 U.S.C.
 8 § 957(b). In making appointments, the “President shall give due regard to equitable
 9 representation of women, minorities, and individuals with disabilities who are involved in the
 10 humanities.” *Id.*

11 243. NEH’s Chairperson “shall not approve or disapprove any such
 12 application [for funding] until the Chairperson has received the recommendation of the
 13 Council.” *Id.* at § 957(f).

14 244. NEH’s other statutory functions include providing funding to:
 15 a. develop and encourage the pursuit of a national policy for the
 16 promotion of progress and scholarship in the humanities;
 17 b. initiate and support research and programs to strengthen the
 18 research and teaching potential of the United States in the humanities by making arrangements
 19 with individuals or groups to support such activities;
 20 c. initiate and support training and workshops in the humanities by
 21 making arrangements with institutions or individuals;
 22 d. foster international programs and exchanges;
 23 e. foster the interchange of information in the humanities;
 24 f. foster, with groups, education in, and public understanding and
 25 appreciation of the humanities;
 26 g. support the publication of scholarly works in the humanities;

4 i. foster programs and projects that provide access to, and preserve
5 materials important to research, education, and public understanding of, the humanities.
6 20 U.S.C. § 956.

6 | 20 U.S.C. § 956.

7 245. For sixty years, NEH has carried out its duty to fund research, training,
8 and education that advance the humanities. Since 1965, NEH has awarded over \$6 billion to
9 support “museums, historic sites, universities, teachers, libraries, documentary filmmakers,
10 public TV and radio stations, research institutions, scholars, and local humanities
11 programming.”⁷⁹ Indeed, NEH is the largest federal funder of the humanities, and (at least
12 until recently) offered 47 grant programs that support humanities work around the country.⁸⁰

13 246. Since its inception, NEH funding has contributed to over 70,000
14 projects in all 50 states and jurisdictions; over 9,000 books (including 20 Pulitzer Prize
15 winners); and over 500 film and radio programs (including six Oscar nominees, 30 Peabody
16 award winners, and 27 Emmy award winners).⁸¹ NEH funding has also supported collecting
17 the papers of twelve United States presidents and of several other notable American figures
18 including Mark Twain, Thomas Edison, Martin Luther King Jr., and Ernest Hemingway.⁸²

19 247. NEH has long had a strong relationship with the UC system. In 1974,
20 for example, NEH supported UC Berkeley as it launched what would become the National
21 Writing Project, which trains teachers to help youth nationwide learn how to do research,
22 form arguments, and write publicly on topics they care about.⁸³ And in 2011, NEH and
23 China’s Ministry of Culture hosted a “Bi-national Conversation on Bridging Cultures” at UC

⁷⁹ Nat'l Endowment for the Humanities, <https://www.neh.gov/>, (last visited May 27, 2025).

⁸⁰ Nat'l Endowment for the Humanities, *Grants*, <https://www.neh.gov/grants> (last visited May 27, 2025).

²⁷ ⁸¹ Nat'l Endowment for the Humanities, NEH Funding by the Numbers (description of data on homepage), <https://www.neh.gov/> (last visited May 27, 2025).

28 | 82 *Id.*

⁸³ Nat'l Writing Project, <https://www.nwp.org/> (last visited May 29, 2025).

1 Berkeley, bringing together artists, writers, historians, and political theorists of both
 2 countries.⁸⁴

3 248. As designed by statute, NEH funding supports a broad array of
 4 projects, including preserving endangered languages, digitizing early newspapers, depicting
 5 the history of the civil rights struggle through film, and detailing what life was like for early
 6 American colonists.⁸⁵

7 249. Prior to January 20, 2025, NEH funding recipients were selected after a
 8 rigorous review process. Every year, NEH recruits over 1,000 experts from every state and
 9 organizes them into 200 review panels that evaluate roughly 5,700 grant applications. The
 10 panels are selected for their expertise in disciplines relevant to the grant programs.⁸⁶ The
 11 panels are announced in the Federal Register, and panelists' names are listed in NEH's annual
 12 reports.

13 250. This exacting review proceeded as follows: After a grant application
 14 was submitted, it was assigned to a specific peer-review panel based on academic discipline,
 15 institutional type, project area, or project type. The evaluators on the panel read all assigned
 16 applications and assigned them a rating based on "NEH's published review criteria and
 17 program guidelines." These criteria "emphasize humanities significance, the applicant's
 18 abilities and qualifications, the proposal's clarity of expression, and the project's feasibility,
 19 design, cost, and work plan."⁸⁷ After each evaluator assessed the application, the panel would
 20 meet to discuss the applications.

21 251. Next, NEH staff reviewed the panels' work and recommended the most
 22 meritorious applications to the National Council (described above). The Council meets three
 23 times a year to discuss the applications and finalize recommendations to the Chairperson.⁸⁸

24 ⁸⁴ Nat'l Endowment for the Humanities, *NEH Timeline*,
 25 <https://www.neh.gov/about/history/timeline> (last visited May 27, 2025).

26 ⁸⁵ See, e.g., Nat'l Endowment for the Humanities, *NEH Essentials*,
<https://www.neh.gov/essentials> (last visited May 27, 2025).

27 ⁸⁶ Nat'l Endowment for the Humanities, *NEH's Application Review Process*,
<https://www.neh.gov/grants/application-process> (last visited June 2, 2025).

28 ⁸⁷ *Id.*

⁸⁸ *Id.*

1 The Chairperson made the final funding decisions, taking into account the advice provided
 2 throughout the review process.⁸⁹

3 252. Each year, NEH typically makes about 900 grants, ranging from
 4 approximately \$1,000 to \$750,000 each. Across all grant programs, only about sixteen percent
 5 of applications receive funding.⁹⁰ The projects selected for funding by NEH thus represent the
 6 best of the best.

7 253. Congress has repeatedly affirmed its support for NEH's mission,
 8 appropriating funds for grant-making every fiscal year.

9 254. In the 2024 Appropriations Act, for example, Congress appropriated
 10 \$207,000,000 to NEH, with \$192,000,000 specifically designated for grants, loans, contracts,
 11 and other assistance to further the purposes set forth under 20 U.S.C. § 956(c), and
 12 \$15,000,000 designated to carry out NEH's "matching grants" program. Pub. L. 118-42, 138
 13 Stat. 25, 281-82 (Mar. 9, 2024).

14 255. On March 15, 2025, notwithstanding the Executive Orders or DOGE's
 15 mandates, Congress enacted a Continuing Appropriations and Extensions Act, which re-
 16 appropriated all of the funds appropriated to NEH under the 2024 Act. Pub. L. 119-4,
 17 §§ 1101-08, 139 Stat. 9, 10-12 (Mar. 15, 2025). NEH thus received another roughly \$200
 18 million to spend on grants. NEH announced \$22.6 million in grants for 219 humanities
 19 projects across the country on January 14, 2025.⁹¹

20 **2. In Response to Trump Administration Directives, NEH Improperly**
 21 **Changed Priorities and Canceled Existing Grants**

22 256. Around the very same time Congress was re-appropriating grant-
 23 making funds to NEH, as noted above, the agency came under fire from the Trump
 24 Administration.

25
 26 ⁸⁹ *Id*

27 ⁹⁰ *Id*

28 ⁹¹ Nat'l Endowment for the Humanities, *NEH Announces \$22.6 Million for 219 Humanities Projects Nationwide*, <https://www.neh.gov/news/neh-announces-grant-awards-jan-2025> (last visited May 27, 2025)..

1 257. On March 13, 2025, NEH Chair Shelly Low was directed by the White
 2 House to resign. Shortly thereafter, DOGE agents began visiting NEH. DOGE actors
 3 recommended dramatically cutting NEH staff and cancelling grants made under the Biden
 4 administration that had not been fully paid out.⁹² According to reports, Acting NEH Chair
 5 Michael McDonald told staff that DOGE wanted to claw back \$175 million in undispersed
 6 grant money.⁹³

7 258. On March 20, 2025, NEH posted a webpage titled “NEH
 8 Implementation of Recent Executive Orders.” The page stated that NEH was updating the
 9 Funding Restrictions section of its Notices of Funding Opportunities (“NOFOs”) in order “to
 10 comply with several recent Executive Orders, including ‘Ending Radical and Wasteful
 11 Government DEI Programs and Preferencing,’ ‘Defending Women from Gender Ideology
 12 Extremism and Restoring Biological Truth to the Federal Government,’ and ‘Ending Radical
 13 Indoctrination in K-12 Schooling.’”⁹⁴

14 259. The page provided “Frequently Asked Questions,” including, for
 15 example, Q: “Does the addition of the new guidance on gender ideology ... mean that NEH
 16 will not fund projects on ... the suffragist movement?” A: “No, not necessarily. The
 17 restrictions only apply to the categories mentioned in the relevant Executive Orders. We
 18 encourage you to read the relevant Executive Orders and consider whether your project’s
 19 topic – joining with its goals, methodology, activities, and intended audience – seems
 20 allowable.”

21 260. The page only discussed the implication of the Executive Orders on
 22 grant applications, not terminations of existing grants.

23
 24
 25 ⁹² Jennifer Schuessler, *DOGE Demands Deep Cuts at Humanities Endowment*, N.Y. Times (Apr.
 26 1, 2025), <https://www.nytimes.com/2025/04/01/arts/trump-doge-federal-cuts-humanities.html>.

26 ⁹³ Elizabeth Blair, *Cultural groups across U.S. told that federal humanities grants are terminated*,
 27 NPR (Apr. 3, 2025), <https://www.npr.org/2025/04/03/nx-s1-5350994/neh-grants-cut-humanities-doge-trump>.

28 ⁹⁴ Nat’l Endowment for the Humanities, *Implementation of Recent Executive Orders* (Mar. 20,
 2025), <https://www.neh.gov/executive-orders>.

1 261. Nonetheless, on or around April 2, 2025, recipients of NEH grant
 2 funding began receiving emails informing them that their grants had been terminated.
 3 Peculiarly, these emails did not come from an NEH server or government email address, but
 4 rather, from “Grant_Notifications@nehemail.onmicrosoft.com.”⁹⁵ The terminations were not
 5 made through NEH’s grants management system.

6 262. The emails attached a form termination letter. On information and
 7 belief, the termination letters sent to all grantees on April 2 and thereafter were nearly
 8 identical and lacked any individualized analysis or discussion of any terminated grant.

9 263. The termination letters received by Plaintiffs and Class members
 10 contained the following “explanation” for the terminations:

11 Your grant no longer effectuates the agency’s needs and priorities
 12 and conditions of the Grant Agreement and is subject to termination
 13 due to several reasonable causes, as outlined in 2CFR§200.340. NEH
 14 has reasonable cause to terminate your grant in light of the fact that
 15 the NEH is repurposing its funding allocations in a new direction in
 16 furtherance of the President’s agenda. The President’s February 19,
 17 2025 executive order mandates that the NEH eliminate all non-
 18 statutorily required activities and functions. *See Commencing the*
Reduction of the Federal Bureaucracy, E.O. 14217 (Feb. 19, 2025).
 19 Your grant’s immediate termination is necessary to safeguard the
 20 interests of the federal government, including its fiscal priorities. The
 21 termination of your grant represents an urgent priority for the
 22 administration, and due to exceptional circumstances, adherence to
 23 the traditional notification process is not possible. Therefore, the
 24 NEH hereby terminates your grant in its entirety effective April 1,
 25 2025.

26 264. Although the termination letter to NEH grantees states that Executive
 27 Order 14217 “mandates that the NEH eliminate all non-statutorily required activities and
 28 functions,” that Order in fact makes no mention of NEH (despite mentioning other
 29 agencies).⁹⁶

24 ⁹⁵ Adding yet another layer of irregularity, the “onmicrosoft.com” domain is notoriously used by
 25 cybercriminals and other malicious actors to carry out phishing attacks. *See, e.g.*, Smedh Arun
 26 Patil, Cloud That, *Proactive Strategies Against “onmicrosoft.com” Phishing Attacks* (Dec. 13,
 27 2023), <https://www.cloudthat.com/resources/blog/proactive-strategies-against-onmicrosoft-com-phishing-attacks>

28 ⁹⁶ *See Exec. Order No. 14217, Commencing the Reduction of the Federal Bureaucracy*, 90 Fed.
 29 Reg. 10577 (Feb. 25, 2025), <https://www.federalregister.gov/documents/2025/02/25/2025-03133/commencing-the-reduction-of-the-federal-bureaucracy>. President Trump also issued Exec.
 29 Order 14238, *Continuing the Reduction of the Federal Bureaucracy*, on March 14, 2025,
<https://www.federalregister.gov/documents/2025/03/20/2025-04868/continuing-the-reduction-of-the-federal-bureaucracy>

1 265. The termination letters make no effort to explain how or why the
 2 relevant grant fails to “effectuate[] the agency’s needs and priorities” or otherwise warrant
 3 termination. Nor did they address NEH’s prior assessment—through its comprehensive panel
 4 and Council review process—that these projects *do* effectuate agency priorities and are
 5 aligned with the statutory mandate and goals of NEH.

6 266. The termination letters likewise fail to explain what “exceptional
 7 circumstances” preclude adherence to ordinary notification procedures.

8 267. Additionally, the termination letters included no reference to any
 9 method for appeal or to seek reconsideration, even though NEH’s General Terms and
 10 Conditions require that grantees have a right to appeal a termination.⁹⁷

11 268. On April 24, 2025—three weeks *after* NEH began terminating existing
 12 grants—the agency issued a press release titled: “An Update on NEH Funding Priorities and
 13 the Agency’s Recent Implementation of Trump Administration Executive Orders.”⁹⁸

14 269. The press release stated that NEH had, in recent weeks, “taken several
 15 internal operational steps to improve efficiency, eliminate offices that are not essential to
 16 fulfilling its statutory requirements, and to return to being a responsible steward of taxpayer
 17 funds.”⁹⁹ It further stated that NEH had also taken steps to “ensure that all future awards will,
 18 among other things, be merit-based, awarded to projects that do not promote extreme

19
 20

21 the-federal-bureaucracy. This Order also made no mention of NEH.

22 ⁹⁷ See Nat’l Endowment for the Humanities, *General Terms and Conditions for Awards to*
23 Organizations (for grants and cooperative agreements issued between January 1, 2022, and
September 30, 2024 (Mar. 15, 2025), https://www.neh.gov/general-terms-and-conditions-awards-organizations-grants-and-cooperative-agreements-issued-january-2022#_Toc92721724, section
 24 13 (terms for grants issued January 1, 2022 to September 30, 2024) and Nat’l Endowment for the
 25 Humanities, *General Terms and Conditions for Awards to Organizations (for grants and*
cooperative agreements issued October 1, 2024, or later) (Mar. 13, 2025),
<https://www.neh.gov/general-terms-and-conditions-grants-after-oct-2024>, section XIII (terms for
 26 grants issued October 1, 2024 or later).

27 ⁹⁸ Nat’l Endowment for the Humanities, *An Update on NEH Funding Priorities and the Agency’s*
Recent Implementation of Trump Administration Executive Orders,
<https://www.neh.gov/news/update-neh-funding-priorities-and-agencys-recent-implementation-trump-administration-executive> (last visited May 27, 2025).

28 ⁹⁹ *Id.*

1 ideologies based upon race or gender, and that help to instill an understanding of the founding
 2 principles and ideals that make America an exceptional country.”

3 270. As part of the press release, NEH issued a new “Statement on NEH
 4 Priorities” and “Frequently Asked Questions.”¹⁰⁰

5 271. The “Statement on NEH Priorities” reads as follows:

6 Founded in 1965, the National Endowment for the Humanities
 7 (NEH) is a grant-making agency of the U.S. government dedicated
 8 to supporting exemplary humanities research and programming in
 9 service of the American people. It does so by investing in the most
 10 meritorious proposals for the advancement and dissemination of
 11 humanities learning.

12 As set forth in NEH’s enabling legislation, the humanities include
 13 the study of modern and classical languages, linguistics, literature,
 14 history, jurisprudence, philosophy, archaeology, comparative
 15 religion, ethics, the history of the arts, and those aspects of the social
 16 sciences which have humanistic content and use humanistic methods,
 17 as well as other areas.

18 To bring the wisdom of the humanities to all Americans, NEH
 19 supports research projects that advance humanistic learning,
 20 preservation projects that ensure access to significant humanities
 21 resources, education projects that strengthen teaching in the
 22 humanities, and public programing that conveys the best of the
 23 humanities to all Americans.

24 Moving forward, NEH is especially interested in projects on the
 25 nation’s semiquincentennial and U.S. history more generally. In
 26 addition, the agency will be more finely attuned to its statutory
 27 responsibility that “funding should contribute to public support and
 28 confidence in the use of taxpayer funds.”

29 As per longstanding agency policy, NEH-supported projects must
 30 not promote a particular political, religious, or ideological point of
 31 view and must not engage in political or social advocacy. NEH-
 32 supported projects should not preference some groups at the expense
 33 of others and should ultimately support public purposes.

34 The principles of intellectual significance, merit, competition, and
 35 equal opportunity lie at the heart of NEH’s mission.

36 272. Two of the posted “Frequently Asked Questions” addressed the
 37 terminated grants:

38 Q: Why is NEH cancelling awards?

28 ¹⁰⁰ Nat’l Endowment for the Humanities, *Updates on NEH Priorities* (Apr. 24, 2025),
 https://www.neh.gov/updates-neh-priorities.

1 A: All federal grantmaking agencies, including NEH, must
 2 ensure that taxpayer dollars are spent effectively and are
 3 consistent with each agency's mission. This requires that
 4 NEH regularly evaluate its funding priorities within the
 policy framework established by Congress, the
 Administration, and the head of NEH. Awards and
 programming must align with these priorities.

5 Q: What types of awards are being cancelled?

6 A: In collaboration with the Administration, NEH has cancelled
 7 awards that are at variance with agency priorities, including
 8 but not limited to those on diversity, equity, and inclusion
 (or DEI) and environmental justice, as well as awards that
 may not inspire public confidence in the use of taxpayer
 funds.

9 273. This post-hoc explanation does not constitute reasoned decision-
 10 making, nor could it provide appropriate notice to grant recipients that their grants would be
 11 terminated, or constitute sufficient rationale therefor.

12 274. NEH's new "priorities" also directly contradict its statutory mandate to
 13 make grants that "reflect the diversity and richness of our American cultural heritage" and
 14 "give particular regard to scholars, and educational and cultural institutions, that have
 15 traditionally been underrepresented." 20 U.S.C. § 956(c).

16 275. As it explains in its new statements, NEH has dramatically narrowed its
 17 definition of agency "priorities" based on Defendant Trump's Executive Orders or otherwise
 18 in "collaboration with the Administration."

19 276. In so doing, NEH improperly ignores the statutory priorities Congress
 20 set out in 20 U.S.C. § 956, which Congress reaffirmed by allocating additional grant-making
 21 funds to NEH in March 2025.

22 **3. NEH Plaintiffs And Other Grant Recipients Are Harmed by NEH's**
 23 **Illegal Grant Terminations**

24 277. Plaintiffs and Class members have long relied on NEH grants to fund
 25 meritorious projects in the humanities. The termination of nearly all previously awarded
 26 grants has caused and continues to cause Plaintiffs and class members serious harm.

a. Plaintiff Robert Hirst's Grant Termination and Resulting Harm

278. Plaintiff Robert Hirst is the curator of the Mark Twain Papers and general editor of the Mark Twain Project at the Bancroft Library at the University of California, Berkeley. He has served in this role since 1980.

279. The Mark Twain Papers contain the voluminous private papers of Samuel Langhorne Clemens, known to all Americans by his pen name, "Mark Twain." He has long been considered one of the most important writers of the 19th Century. His papers were bequeathed to the University of California in 1962; hundreds of original documents have since been added to that core collection. The collection makes it possible to read, in a single location, virtually every surviving document in Mark Twain's hand.

280. The Mark Twain Project, a major editorial and publishing program of the Bancroft Library, is housed within the Mark Twain Papers archive. The aim of this Project is to create, maintain, correct, and update a permanent, globally accessible resource for the life and writings of Mark Twain. The Project hosts over 200 in-person and online visits to the Papers each year. In addition, the editors routinely go out to speak about the collection and the edition to students and to a variety of other interested groups. In order to maintain this collection and conduct ongoing research, the Mark Twain Papers and Project employ five full-time editors.

281. Since 2001, the Mark Twain Project has focused much of its effort on the Mark Twain Project Online (the “Online Project”), which is intended to make available all of the Project’s edited texts. Its original online website platform has become obsolete and work is underway to migrate the website and database to a modern, technologically supportable platform.

282. In his recently published biography of Mark Twain, writer Ron Chernow—a Pulitzer Prize-winning biographer—wrote: “Perhaps no other American author can boast such a richly documented record. . . . With its learned editions and digitized website, the Mark Twain Papers ranks as one of the foremost scholarly achievements of our era.”

1 283. NEH has awarded more than \$11,000,000 to support the editorial work
 2 of the Mark Twain Project, without interruption, since 1967, and has also made a generous
 3 challenge grant for the renovation of the Online Project.

4 284. On the occasion of the NEH's 50th birthday in 2015, the agency
 5 honored the Mark Twain Papers and Project as one among fifty nationwide across five
 6 decades that ““have shaped what we think and what we know about ourselves and our culture’
 7 since 1965.”¹⁰¹

8 Application (RQ-300297) for Grant Funding

9 285. On November 29, 2023, the Mark Twain Project, through the Regents
 10 of the University of California, submitted to the NEH an Application for Federal Domestic
 11 Assistance—application RQ-300297, titled “Mark Twain Project.” Dr. Hirst’s Grant
 12 Application sought to draw the Mark Twain Project nearer to its goal of making all of
 13 Twain’s works available to the public for free through the Online Project.

14 286. The Grant Application proposed a cumulative budget of \$900,000,
 15 including \$450,000 in NEH funds. This budget would fund roughly half the salaries for three
 16 editors and a digital publications manager for three years. The other half of the staff salaries
 17 would need to be paid by private funds raised by Dr. Hirst.

18 Award of Grant (RQ-300297) Funding

19 287. On August 28, 2024, UC Berkeley received a letter from the chair of
 20 the NEH, approving the Mark Twain Project’s application RQ-300297 to receive an offer for
 21 funding (“Offer Letter”).

22 288. The Offer Letter provided UC Berkeley up to \$450,000 in federal
 23 matching funds if Dr. Hirst raised an equal amount of eligible non-federal, third-party gifts,
 24 and certified their availability, and if NEH had available to it sufficient funds allocated for
 25 matching purposes. The Offer Letter provided: “If you wish to accept this offer of support,
 26 your response to the above condition(s) and the Gift Certification Form must be submitted via

27 ¹⁰¹ Sharon Goetz, *Mark Twain Papers and Project Honored by NEH*, UC Berkeley Library
 28 UPDATE (Oct. 9, 2015), <https://update.lib.berkeley.edu/2015/10/09/mark-twain-papers-and-project-honored-by-neh/>.

1 eGMS Reach, NEH's online electronic grant management system no later than June 30,
 2 2027.”

3 289. On October 31, 2024, the university's Sponsored Projects Office
 4 (“SPO”) accepted the NEH offer and sent in the required certification, signed by Dr. Hirst.

5 Termination of Grant (RQ-300297) Funding

6 290. On April 2, 2025, UC Berkeley received an email from the address
 7 “Grant_Notifications@nehemail.onmicrosoft.com,” purporting to be from Michael
 8 McDonald, Acting Chairman for the National Endowment for the Humanities (the
 9 “Termination Email”). This is not an e-mail domain that NEH has ever used to communicate
 10 with Dr. Hirst or the university regarding the Mark Twain Project.

11 291. Attached to the Termination Email was a letter from Michael
 12 McDonald, Acting Chairman for the National Endowment for the Humanities, cancelling the
 13 Mark Twain Project’s grant, Award No. RQ-300297-25, in its entirety effective April 1, 2025
 14 (the “Termination Letter”).

15 292. The Termination Letter reads in relevant part:

16 Your grant no longer effectuates the agency’s needs and priorities
 17 and conditions of the Grant Agreement and is subject to termination
 18 due to several reasonable causes, as outlined in 2CFR200.340. NEH
 19 has reasonable cause to terminate your grant in light of the fact that
 20 the NEH is repurposing its funding allocations in a new direction in
 21 furtherance of the President’s agenda. The President’s February 19,
 22 2024 executive order mandates that the NEH eliminate all non-
 23 statutorily required activities and functions. *See Commencing the*
Reduction of the Federal Bureaucracy, E.O. 14217 (Feb. 19, 2025).
 24 Your grant’s immediate termination is necessary to safeguard the
 25 interests of the federal government, including its fiscal priorities. The
 26 termination of your grant represents an urgent priority for the
 27 administration, and due to exceptional circumstances, adherence to
 28 the traditional notification process is not possible. Therefore, the
 NEH hereby terminates your grant in its entirety effective April 1,
 2025.

293. Dr. Hirst then searched for the Mark Twain Project’s grant on eGMS
 29 Reach, NEH’s online electronic grant management system. He could find no record of the
 grant or his many communications about it on eGMS Reach: It had apparently been deleted

1 entirely from the system. Agency erasure of grant records was unprecedented in Dr. Hirst's
 2 multi-decade relationship with NEH.

3 294. Dr. Hirst spoke with his longtime NEH program officer, Jason Boffetti,
 4 who told him that DOGE had required NEH to lay off most of its staff if the agency wanted to
 5 continue to operate.

6 Harm Suffered from Termination of Grant (RQ-300297)

7 295. Dr. Hirst, the Mark Twain Papers and Project, and project staff, have
 8 suffered immediate harm as a result of the cancellation of their NEH grant, which will
 9 continue into the future.

10 296. In lieu of conducting his editorial work, Dr. Hirst will have to refocus
 11 his time on fundraising to replace the cancelled grant funding (\$450,000).

12 297. The financial uncertainty created by this grant cancellation significantly
 13 threatens his ability to retain the highly trained and experienced staff working on the Mark
 14 Twain Project. These individuals are among the world's experts on Mark Twain, and their
 15 knowledge of the collection is irreplaceable.

16 298. The cancellation threatens the migration of the collection to new
 17 platforms as the existing ones have become obsolete. Because the online platform allows
 18 scholars and students from all over the world to access these original documents, any
 19 interruption or delay in this work is very harmful to the Project and to the many who regularly
 20 access or will want to access these materials in the future.

21 299. In addition, Dr. Hirst and his staff will have less ability to go out to
 22 schools and universities to share the incomparable work of Mark Twain.

23 300. The termination of Plaintiff Hirst's grant is especially ironic given then
 24 NEH continues to promote the collection of Mark Twain's papers as a significant
 25 achievement on its website's homepage.¹⁰² Moreover, Mark Twain is included in the list of
 26 individuals in Executive Order 13987, "Building the National Garden of American Heroes,"

28 ¹⁰² Nat'l Endowment for the Humanities, NEH Funding by the Numbers (description of data on
 homepage), <https://www.neh.gov/> (last visited May 27, 2025).

1 which seeks to create a statue garden of such heroes, and which NEH now says it will provide
 2 grant funding to support.¹⁰³

3 **b. Plaintiff Christine Philliou's Grant Termination and Resulting**
 4 **Harm**

5 301. Dr. Christine Philliou is a Professor of History at the University of
 6 California, Berkeley. Previously, she was a professor at Columbia University and Yale
 7 University.

8 302. She is the author of two books: *Turkey: A Past Against History*
 9 (University of California Press, 2021), and *Biography of an Empire: Governing Ottomans in*
 10 *an Age of Revolution* (University of California Press, 2010), as well as dozens of articles and
 11 book chapters. Her work has received numerous recognitions, including a Fulbright-Hays
 12 Research Fellowship, a Brookings Institution Research Award, and the Lenfest Distinguished
 13 Faculty Award, and has led to offers of fellowships from Stanford University and the
 14 American Council of Learned Societies.

15 303. In addition to her research and teaching, Dr. Philliou founded the
 16 Program in Modern Greek and Hellenic Studies at the Institute for European Studies; the
 17 Turkish Ottoman and Post-Ottoman Studies Initiative at the Center for Middle Eastern
 18 Studies; and the Istan-Polis collaborative research project. All are designed to broaden and
 19 deepen appreciation for the history of Turkey, Greece, and the Ottoman Empire.

20 Application for Grant Funding (RZ-292650-23)

21 304. On November 29, 2022, through the Regents of the University of
 22 California, Dr. Philliou submitted to the NEH an Application for Federal Domestic Assistance
 23 titled “Visualizing Local Christian Communities in Muslim Cosmopolitan Istanbul in the 19th
 24 and 20th Centuries.”

25
 26 ¹⁰³ Nat'l Endowment for the Humanities, *National Garden of American Heroes: Statues*,
 27 <https://www.neh.gov/program/national-garden-american-heroes-statues> (last visited May 27,
 28 2025); Exec. Order No. 13978, *Building the National Garden of American Heroes*, 86 Fed. Reg. 6809 (Jan. 22, 2021), <https://www.federalregister.gov/documents/2021/01/22/2021-01643/building-the-national-garden-of-american-heroes>.

1 305. The purpose of the grant was to help fund the Istan-Polis Project, an
 2 effort to reconstruct and analyze the history of Istanbul's Orthodox Christian communities in
 3 the final Ottoman century. The grant would also fund development of a public-facing website
 4 to display the results of data projects and to feed further research and collaboration. The focus
 5 on the experience of Istanbul's Christian minority in the final stage of the Ottoman Empire
 6 was intended to provide new tools for scholars seeking to clarify how the tensions between
 7 cosmopolitanism and nationalism were historically manifested in cities globally. Such work
 8 has obvious relevance to pressing questions of nationalism versus broader inclusion of
 9 minority groups today.

10 Award of Grant Funding (RZ-292650-23)

11 306. On September 22, 2023, the University of California, Berkeley and Dr.
 12 Philiou received a letter from Shelly Lowe, the chair of the NEH, approving Project
 13 Application RZ-292650-23 for funding (the "Offer Letter") for an award of \$246,347.00 over
 14 three years.

15 307. In response to the award of the grant, Dr. Philiou's team planned for
 16 and then began executing the steps laid out in the grant application. This included team
 17 members' travel to Berkeley for a winter meeting in January 2024, to Europe in June 2024 for
 18 a related seminar, and to Istanbul in June-July 2024 for an *in situ* seminar. The team hired and
 19 contracted with project managers to coordinate transcription and other work on the census
 20 register project, and spent funds on the project's website infrastructure. This included
 21 contracting with independent contractors, purchasing airline tickets, reimbursing expenses for
 22 international and domestic travel, hiring student workers, and paying vendors for lodging and
 23 catering.

24 308. Overall, in Year 1 the team focused on the Old City of Istanbul. The
 25 resulting website has become a treasure to people with Greek heritage and other heritages
 26 tracing their lineage to Istanbul around the world, and received special recognition from the
 27 Archbishop of North and South America, Elpidophoros. The team's Year 1 *in situ* seminar
 28

1 was also life-changing for the undergraduate and graduate students who accompanied the
 2 research team.

3 309. Years 2 and 3 of the grant were to focus on the Frankish Quarter and
 4 other neighborhoods up and down the Bosphorus. They would have produced similarly
 5 dramatic, perspective-changing results.

6 Termination of Grant Funding (RZ-292650-23)

7 310. On April 2, 2025, UC Berkeley received an email from the address
 8 “Grant_Notifications@nehemail.onmicrosoft.com,” sent on behalf of Michael McDonald,
 9 Acting Chairman for the NEH (the “Termination Email”). Attached to the Termination Email
 10 was a letter cancelling grant RZ-292650-23, effective the prior day, April 1.

11 311. The Termination Letter states that the grant “no longer effectuates the
 12 agency’s needs and priorities . . . in light of the fact that the NEH is repurposing its funding
 13 allocations in a new direction in furtherance of the President’s agenda. The President’s
 14 February 19, 2025 executive order mandates that the NEH eliminate all non-statutorily
 15 required activities and functions. See Commencing the Reduction of the Federal Bureaucracy,
 16 E.O. 14217 (Feb. 19, 2025).” It further stated that “adherence to the traditional notification
 17 process is not possible” because of “exceptional circumstances.”

18 Harm Suffered from Termination of Grant Funding

19 312. The Istan-Polis Project, its staff, and Dr. Philliou have suffered direct
 20 and immediate harm as a result of the cancellation of the grant. Work on the website has been
 21 disrupted. A seminar in Istanbul for this summer very likely will not proceed. Staff who were
 22 depending on funds provided by the grant may be without a livelihood. Researchers may not
 23 even be paid for work they have already performed. In addition, the team incurred \$46,750 in
 24 project expenses that remain unreimbursed. Further, the end of the grant will likely mean an
 25 end to the project as a whole and the closing of a remarkable window on history that had just
 26 opened.

27

28

1 **C. National Science Foundation**

2 313. The National Science Foundation (“NSF”) is an independent federal
 3 agency intended to promote the progress of science in the United States.

4 **2. Congress Established the National Science Foundation to Promote
 5 Scientific Research on a Broad Scale to Advance the United States’
National Interests**

6 314. NSF was created after World War II when it became clear that
 7 federally funded scientific research was key to the nation’s national security interests.
 8 Describing it as an Act “[t]o promote the progress of science; to advance the national health,
 9 prosperity, and welfare; to secure the national defense; and for other purposes,” Congress
 10 established NSF in 1950 through the enactment of the National Science Foundation Act of
 11 1950 (the “Act”). Public Law 81-507 (codified at 42 U.S.C. § 1861 et seq.).

12 315. The NSF’s core function is making grants to fund innovative scientific
 13 research. The NSF awards grants through an apolitical merit review process, under which
 14 panels of disinterested scientific experts vet grant applications and make award decisions. The
 15 NSF’s merit review process is often referred to as the “gold standard” of scientific review,
 16 and NSF-funded research has contributed to some of the most important scientific advances of
 17 the past 70 years.

18 316. The Act arose out of the growing awareness during World War II that
 19 science was crucial to the United States’ national interest and security, as science was key to
 20 the Allied successes in the war. Indeed, during World War II, federal government support of
 21 scientific research accelerated dramatically, and a growing consensus emerged in favor of
 22 continuing government support of basic scientific research after the end of the war.

23 317. The NSF’s statutorily defined mission “is to provide Federal support
 24 for basic scientific and engineering research, and to be a primary contributor to mathematics,
 25 science, and engineering education at academic institutions in the United States.” 42 U.S.C.
 26 § 1862k(a)(6)(A).

27 318. The Act establishes a series of core “functions” for the NSF. Chief
 28 among them, the Act authorizes and directs the NSF to “initiate and support basic scientific

1 research in the mathematical, physical, medical, biological, engineering, and other sciences,”
 2 as well as “specific scientific research activities in connection with matters relating to the
 3 national defense.”

4 319. The Act also directs the NSF to provide “grants, loans, and other forms
 5 of assistance” to support scientific research” and award “scholarships and graduate
 6 fellowships in the mathematical, physical, medical, biological, engineering, and other
 7 sciences.”

8 320. The Act has been amended at various times since 1950. Since at least
 9 1980, Congress has recognized that for the United States to maintain its competitive edge, it
 10 would need to encourage and prepare people from groups traditionally underrepresented in
 11 STEM to acquire skills and pursue careers in science and engineering fields. Congress
 12 consequently declared that “the highest quality science over the long-term requires substantial
 13 support, from currently available research and education funds, for increased participation in
 14 science and technology by women and minorities.” Pub. L. 96-516, § 32. Congress later
 15 *expanded* this declaration to include increasing participation for people with disabilities. 42
 16 U.S.C. § 1885(b). The importance of STEM to the interests of the United States prompted
 17 Congress, in 1980, to prescribe a national policy to promote “full use of the human resources
 18 of the Nation” in STEM fields:

19 The Congress declares it is the policy of the United States to
 20 encourage men and women, equally, of all ethnic, racial, and
 21 economic backgrounds to acquire skills in science and mathematics,
 22 to have equal opportunity in education, training, and employment in
 23 scientific and technical fields, and thereby to promote scientific
 literacy and the full use of the human resources of the Nation in
 science and technology.

24 Pub. L. 96-516 § 32. In other words, Congress has consistently acted to consciously *expand*
 25 STEM access rather than to narrow it, by affirmative outreach to groups not traditionally invited
 26 or encouraged to contribute to STEM initiatives.

27 321. One such act was the National Science Foundation Authorization Act
 28 of 1998 (the “1998 Amendment”). The 1998 Amendment to the Act reaffirmed the NSF’s

1 statutory commitment to making the United States a leader in STEM fields, and it set as long-
 2 term goals for the NSF to provide leadership to:

- 3 a. enable the United States to maintain a position of world leadership
 4 in all aspects of science, mathematics, engineering, and technology;
- 5 b. promote the discovery, integration, dissemination, and application
 6 of new knowledge in service to society; and
- 7 c. achieve excellence in United States science, mathematics,
 8 engineering, and technology education at all levels. 42 U.S.C. § 1862k(a)(6)(B).

9 322. Pursuant to these congressional directives, much of the NSF-funded
 10 research at universities has, for decades, supported the participation in STEM fields by
 11 women, minorities, and people with disabilities.

12 323. Notably, the 1998 Amendment sets forth several “core strategies” for
 13 achieving the above goals, which include a focus on ensuring diversity in entrants to STEM
 14 fields: “Develop intellectual capital, both people and ideas, with particular emphasis on
 15 groups and regions that traditionally have not participated fully in science, mathematics, and
 16 engineering.” 42 U.S.C. § 1862k(b)(1).

17 324. The Act was again amended in 2007 as part of the “America
 18 COMPETES Act,” which sought to bolster the competitiveness of the United States in
 19 scientific research and innovation. It instructed the NSF to “give priority” in granting awards
 20 to research activities “that can be expected to make contributions in physical or natural
 21 science, technology, engineering, social sciences, or mathematics, or that enhance
 22 competitiveness, innovation, or safety and security in the United States.” 42 U.S.C. § 1862o-
 23 5(b).

24 325. The NSF seeks to fulfill its mission chiefly by issuing competitive,
 25 limited-term grants in response to specific proposals from researchers and research
 26 organizations. The NSF receives over 50,000 such proposals each year, and funds about
 27 10,000 of them.

28

1 326. The NSF employs a merit review process in which reviews of grant
 2 applications are carried out by panels of independent scientists, engineers, and educators who
 3 are experts in the relevant scientific field, and they are vetted to avoid conflicts of interest.
 4 Reviewers judge grant applications for both “intellectual merit” and “broader societal
 5 impact.”

6 327. NSF grants are highly competitive and prestigious, and its pre-January
 7 20, 2025 merit review process is often credited for the profound success of the NSF
 8 throughout its history. Indeed, it is no exaggeration to say that the world as we know it today
 9 would not exist without the NSF. NSF grants have contributed to an extraordinary number of
 10 scientific and technological innovations and achievements over the past 75 years, including:

- 11 a. The Internet
- 12 b. Semiconductors (i.e., computer chips)
- 13 c. Supercomputers
- 14 d. Artificial intelligence
- 15 e. 3-D printing
- 16 f. American Sign Language
- 17 g. Captcha
- 18 h. Deep ocean exploration and drilling
- 19 i. Detecting gravitational waves
- 20 j. DNA amplification (central to biotech)
- 21 k. Doppler radar
- 22 l. Duolingo
- 23 m. Fusion energy
- 24 n. Geographic Information Systems (GIS)
- 25 o. Kidney matching
- 26 p. LASIK eye surgery
- 27 q. MRI
- 28 r. Seeing black holes

29 328. To date, at least 268 Nobel laureates have been supported by NSF
 30 grants. In 2024 alone, NSF grant recipients received Nobel prizes in physiology or medicine,
 31 physics, chemistry, and economics.

32 329. The NSF has also funded numerous national observatories, has had
 33 responsibility for U.S. research operations in the Antarctic, and has been heavily involved in
 34 United States deep sea exploration. The NSF also managed laboratories from the Defense

1 Department's Advanced Research Projects Agency (DARPA), which lead to the creation of
 2 the Internet.

3 330. The enormous impact of the NSF grant-making process is summarized
 4 neatly in this statement from Forbes: "For 75 years, the National Science Foundation has been
 5 the quiet backbone of American scientific progress. It funds a substantial share of all federally
 6 supported basic research outside the biomedical sphere, supporting discoveries in climate
 7 science, artificial intelligence, cybersecurity and quantum materials among many, many
 8 others. Its grants train graduate students, launch early-career faculty and sustain the open,
 9 reproducible research that fuels U.S. competitiveness."¹⁰⁴

10 **3. In Response to Trump Administration Directives, NSF Improperly**
 11 **Changed Priorities and Canceled Existing Grants**

12 331. The foregoing paragraphs describe the NSF as it existed and functioned
 13 through the decades, from its original founding until January 20, 2025.

14 332. The NSF is now facing an existential threat: the Trump Administration
 15 has negated the NSF's core grant-making function by unilaterally, arbitrarily and illegally
 16 terminating billions of dollars in lawfully awarded scientific grants that the Administration
 17 views (often mistakenly) as having some connection to diversity, equity and inclusion (most
 18 broadly defined), as well as other subjects the Trump Administration dislikes, such as climate
 19 change, vaccines, HIV/AIDS, and COVID-19.

20 333. At Defendants Trump and DOGE's direction, NSF has taken aim at the
 21 pillars sustaining the United States' STEM preeminence. These actions violate the law and
 22 jeopardize America's longstanding global leadership in STEM. NSF has announced that it
 23 will no longer abide by Congress's longstanding mandates.

24 334. Since the Trump Administration took office in January 2025, the NSF
 25 has terminated more than a billion dollars in scientific grants that had previously been
 26 approved and awarded through the merit review process and which the NSF was legally

27 ¹⁰⁴ John Drake, *The NSF Is Being Dismantled — With Broad Implications For The American*

28 Economy, Forbes (May 9, 2025), <https://www.forbes.com/sites/johndrake/2025/05/09/the-national-science-foundation-is-being-dismantled-what-the-economy-needs-is-more-investment>.

1 obligated to provide. The pace of the terminations has escalated rapidly since mid-April, as
 2 the Trump Administration has taken a wrecking ball to the NSF. During that brief time period,
 3 more than 1,400 grants have been terminated. NSF terminated over 430 grants *in one week.*¹⁰⁵
 4 The grant terminations were generally not preceded by warnings, and thus came as a complete
 5 shock to the researchers whose livelihoods and life's work depended on them.

6 335. The grant terminations have typically been conveyed in short,
 7 standardized missives containing boilerplate statements. For example, Plaintiff Jedda
 8 Foreman and other UC researchers all received the following termination letter:

9 The U.S. National Science Foundation (NSF) has undertaken a
 10 review of its award portfolio. Each award was carefully and
 individually reviewed, and the agency has determined that
 11 termination of certain awards is necessary because they are not in
 alignment with current NSF priorities. Effective immediately, the
 12 following are terminated: [list of NSF Award IDs]. NSF is issuing
 this termination to protect the interests of the government pursuant
 13 to NSF Grant General Conditions (GC-1) term and condition
 entitled 'Termination and Enforcement,' on the basis that they no
 14 longer effectuate the program goals or agency priorities. This is the
 15 final agency decision and not subject to appeal.

16 336. In an apparent attempt to justify its new war on science, the NSF
 17 published a "Statement of NSF Priorities" on April 18, 2025, explaining that NSF's activities
 18 "must aim to create opportunities for all Americans everywhere" and "[r]esearch projects with
 19 more narrow impact limited to subgroups of people based on protected class or characteristics
 20 do not effectuate NSF priorities."¹⁰⁶ Pursuant to this Directive, NSF began issuing termination
 21 notices *en masse* to research projects, including many grants to UC researchers, designed to
 22 implement Congress's express goals of increasing STEM participation, studying
 23 misinformation, and addressing environmental justice.

24
 25
 26

¹⁰⁵ Erin Socha, *New Database Tracks Canceled N.S.F. Research Grants*, U. Daily Kansan (April
 27 25, 2025), https://www.kansan.com/news/new-database-tracks-canceled-n-s-f-research-grants/article_0a3d2a6c-97e5-43c3-96c0-db02dc609210.html.

28 ¹⁰⁶ U.S. Nat'l Sci. Found., *Statement on NSF Priorities* (April 18, 2025),
<https://www.nsf.gov/updates-on-priorities#statement-of-nsf-priorities-09d>.

1 337. NSF also issued an accompanying set of FAQ's, which indicated that
 2 awards not aligned with NSF priorities include, but are "not limited to those on diversity,
 3 equity, and inclusion (DEI) and misinformation/disinformation."

4 338. The grant cancellations are one prong in what can only be described as
 5 an effort to radically shrink and marginalize the NSF. In mid-April it was announced that the
 6 NSF was freezing any new grants, and in early May, the NSF announced that its 37 research
 7 divisions were being abolished. Then, on April 24, 2025, the Director of NSF, Sethuraman
 8 Panchanathan, resigned 16 months early. Massive layoffs are now anticipated. Meanwhile,
 9 President Trump proposed cutting the NSF's budget for the 2026 fiscal year by 55%. As
 10 recently stated in *Forbes*, "This is not reform. It is a dismantling."¹⁰⁷

11 339. It appears that DOGE is behind the unlawful grant terminations at NSF.
 12 *See, e.g.*, Katrina Miller & Carl Zimmer, *National Science Foundation Terminates Hundreds*
 13 *of Active Research Awards*, New York Times (April 22, 2025) ("Last Wednesday, the
 14 magazine Science reported that all new research grants by the agency had been frozen, as
 15 ordered by the Department of Government Efficiency, or DOGE."); Dan Garisto, *Trump*
 16 *Team Freezes New NSF Awards – And Could Soon Axe Hundreds of Grants*, Nature (Apr. 17,
 17 2025) ("All new research grants have been frozen at the US National Science Foundation
 18 (NSF) — an action apparently ordered by the Department of Government Efficiency (DOGE)
 19 . . . DOGE is also reviewing a list of active research grants, assessed in February by the NSF,
 20 for terms associated with diversity, equity and inclusion (DEI). It is considering terminating
 21 more than 200 of them, NSF staff members have told Nature.").

22 340. Indeed, on May 13, 2025, Alondra Nelson, the Harold F. Linder
 23 Professor at Princeton University's Institute for Advanced Study, resigned her prestigious
 24 position on the National Science Foundation's board of directors. Explaining her decision to
 25 Time Magazine, she said: "Last week, as the Board held its 494th meeting, I listened to NSF
 26 staff say that DOGE had by fiat the authority to give thumbs up or down to grant applications

27 ¹⁰⁷ John Drake, *The NSF Is Being Dismantled — With Broad Implications For The American*
 28 *Economy*, Forbes (May 9, 2025), <https://www.forbes.com/sites/johndrake/2025/05/09/the-national-science-foundation-is-being-dismantled-what-the-economy-needs-is-more-investment>.

1 which had been systematically vetted by layers of subject matter experts. Our closed-to-the-
 2 public deliberations were observed by Zachary Terrell from the DOGE team. Through his
 3 Zoom screen, Terrell showed more interest in his water bottle and his cuticles than in the
 4 discussion.”¹⁰⁸

5 341. These grant terminations are a disaster for the future of science in the
 6 United States. The gravity of the situation and illegality of the grant terminations were
 7 summarized in a letter from the House of Representatives’ Committee on Science, Space, and
 8 Technology sent to the acting director of the NSF, Brian Stone, on May 8, 2025. The letter
 9 characterizes the Trump Administration’s actions against the NSF as “chaos and destruction,”
 10 and states that “[DOGE’s] accusation that these terminated awards lack merit is a lie, as most,
 11 if not all these awards, carry a statement from the agency declaring that the award “reflects
 12 NSF’s statutory mission and has been deemed worthy of support through evaluation using the
 13 Foundation’s intellectual merit and broader impacts review criteria.””¹⁰⁹

14 342. The House Committee Letter goes on to state: “The cancelation of
 15 these awards suggests instead that NSF is willing to apply political censorship of awards
 16 under direction from President Trump and the DOGE teenagers, which is a clear violation of
 17 the statutory mission of the agency.” *Id.* It then provides a few examples of recently
 18 terminated grants to illustrate the folly, harmfulness, and in some instances absurdity of the
 19 Trump Administration’s grant cancellations. The list of cancelled grants includes those for:

20 a. A rural after-school program that gives middle school students an
 21 opportunity to use mathematics and design thinking to address agricultural issues, such as
 22 designing water catchment systems for drought conditions.¹¹⁰

23
 24 ¹⁰⁸ Alonda Nelson, *Why I’m Resigning From Positions at the National Science Foundation and*
 25 *Library of Congress*, Time Magazine, May 13, 2025; <https://time.com/7285045/resigning-national-science-foundation-library-congress/>.

26 ¹⁰⁹ Letter from House of Representatives’ Committee on Science, Space and Technology to Brian
 27 Stone (May 8, 2025), <https://democrats-science.house.gov/imo/media/doc/2025-05-08%20Letter%20to%20Acting%20Director%20Stone.pdf>.

28 ¹¹⁰ Nat’l Sci. Found., *Award Abstract #2215382 – Engaging Rural, Latinx Youth in an After School Program That Integrates Design Thinking, Making and Math*, https://www.nsf.gov/awardsearch/showAward?AWD_ID=2215382, (last visited May 27, 2025).

b. Research on developing a tool that uses machine learning to detect deepfakes, which are used for all manner of disinformation, be it political content planted by foreign adversaries or the creation of child sexual abuse material.¹¹¹

c. A grant to study improved mental health interventions for engineering students, who – across demographics – are statistically less likely than students in other disciplines to seek mental health treatment. This research was aimed at improving outcomes for engineering students in mental health distress and with mental health disabilities.¹¹²

d. An industry-focused workforce development program that trains the next generation of quantum technicians, including through accessible experiential learning and certification opportunities for entry-level professionals.¹¹³

e. A National Research Traineeship award, supporting 25 graduate students, to develop new interdisciplinary studies applying AI to better understand “legal system processes, impacts, and institutions” as well as to develop “tools and methods for leveraging newly available data from the criminal legal system, and ethical and social implications of big data and AI in the context of criminal justice.”¹¹⁴

343. The House Committee Letter condemns these grant terminations as “an abdication of NSF’s mission and a betrayal of the scientific community, including the thousands of graduate students and early career researchers whose careers will be derailed. It also states that the terminations are of questionable legality. The grant terminations are in direct defiance of a court-ordered preliminary injunction enjoining NSF from impeding the disbursement of appropriated federal funds under awarded grants or other executed financial

¹¹¹ Andrea E Hickerson,, *Award Abstract #2310131 – Collaborative Research: SaTC: TTP: Small: DeFake: Deploying a Tool for Robust Deepfake Detection*, Nat'l Sci. Found., https://www.nsf.gov/awardsearch/showAward?AWD_ID=2310131 (last visited May 27, 2025).

¹¹² Nat'l Sci. Found., Award Abstract # 2225567 – Research: Identifying intervention targets to increase mental health help seeking in undergraduate engineers, https://www.nsf.gov/awardsearch/showAward?AWD_ID=2225567 (last visited May 27, 2025).

¹¹³ Nat'l Sci. Found., Award Abstract # 2243822 - NRT-HDR: Computational Research for Equity in the Legal System" (CRELS), <https://www.nsf.gov/awardsearch/showAward?AWD-ID=2243822> (last visited May 29, 2025).

114 *Id.*

1 obligations directed or implied by Executive Order 14151... or any other materially similar
 2 policy.”¹¹⁵

3 **4. NSF Plaintiff and Other Grant Recipients Are Harmed by NSF’s**
 4 **Illegal Grant Terminations**

5 344. Plaintiff Foreman and Class members have long relied on NSF grants
 6 to fund meritorious projects aimed at advancing scientific knowledge. The termination of
 7 previously approved grants has caused and continues to cause Plaintiff and Class members
 8 serious harm.

9 a. **Plaintiff Jedda Foreman’s Grant Terminations and Resulting**
 10 **Harm**

11 345. Jedda Foreman is the Director, Center for Environmental Learning, at
 12 the Lawrence Hall of Science at the University of California, Berkeley.

13 First Application for Grant Funding (2314075):

14 346. On January 11, 2023, with her collaborators at the Lawrence Hall of
 15 Science, Foreman submitted (through the Regents of the University of California) a grant
 16 proposal to NSF’s National Science Foundation Program NSF 22-626, Advancing Informal
 17 STEM Learning (AISL). The AISL program invests in research and practice on how people
 18 learn STEM outside of formal education. It seeks proposals that further the well-being of
 19 individuals and communities who have historically been and continue to be excluded, under-
 20 served, or underrepresented.

21 347. Foreman’s proposal, titled “Understanding the Impact of Outdoor
 22 Science and Environmental Learning Experiences Through Community-Driven Outcomes,”
 23 was for a four-year Integrating Research and Practice project that would produce a set of
 24 science and environmental literacy measures for underrepresented communities.

25 First Award of Grant Funding (2314075)

26
 27 ¹¹⁵ *New York v. Trump*, No. 25-cv-39-JJM-PAS, (D.R.I. Jan. 31, 2025),
 28 <https://ag.ny.gov/sites/default/files/court-filings/state-of-new-york-et-al-v-trump-tro-2025.pdf>
 (last visited May 27, 2025).

1 348. On August 22, 2023, the NSF accepted Foreman's proposal and
 2 awarded her a grant (Award Number 2314075). The Award Notice stated that the NSF was
 3 obligated in the amount of \$1,583,195, and that the total intended award was \$2,149,437. The
 4 Award Notice provided: "Contingent on the availability of funds and scientific progress of the
 5 project, NSF expects to continue support at approximately the following level: Fiscal Year:
 6 2026, Increment Amount: \$566,242." The Award Notice was made as per the provisions of
 7 NSF Solicitation: "NSF 22-626 Advancing Informal STEM Learning," and provided that the
 8 period of performance was from January 1, 2024 through December 31, 2027.

9 349. The award covered salaries and wages for three senior personnel:
 10 principal investigator Melissa Collins, Ph.D., co-principal investigator Valeria Romero, M.A.,
 11 and Foreman. The award also covered salaries and wages for several other professional
 12 researchers and project coordinators at the Lawrence Hall of Science, UC Berkeley's public
 13 science center. The award further provided for support from an undergraduate research
 14 assistant.

15 Second Application for Grant Funding (2315277)

16 350. On January 17, 2023, together with her collaborators at the Lawrence
 17 Hall of Science, Foreman submitted (through the Regents of the University of California) a
 18 proposal to the National Science Foundation Program NSF 22-634, Racial Equity in STEM
 19 Education (RESTEM), which aims to support groundbreaking projects that contribute to
 20 advancing racial equity in STEM education and workforce development.

21 351. Foreman's proposal, titled "Working Toward Racial Equity: Building
 22 Capacity to Institutionalize Equity in Outdoor and Environmental Science Education," was
 23 designed to support a team of leaders from five organizations to facilitate and guide
 24 organization-wide discussions related to racial equity. The project was to develop a Tool Kit
 25 with three components—(1) a Facilitator's Reflection Guide, (2) a Foundations of Racial
 26 Equity Guide, and (3) Organization Systems Change Tools—that would produce a replicable
 27 model for broadening participation.

28 Second Award of Grant Funding (2315277)

1 352. On September 13, 2023, the NSF accepted Foreman's proposal and
 2 awarded her a grant (Award Number 2315277). The Award Notice stated that the NSF was
 3 obligated in the amount of \$1,701,416, and that the total intended award was \$4,723,028. The
 4 Award Notice provided: "Contingent on the availability of funds and scientific progress of the
 5 project, NSF expects to continue support at approximately the following level: Fiscal Year:
 6 2025, Increment Amount: \$947,005, Fiscal Year: 2026, Increment Amount: \$1,133,391,
 7 Fiscal Year: 2027, Increment Amount: \$941,216." The award was made as per the provisions
 8 of NSF Solicitation: NSF 22-634 Racial Equity in STEM Education and provided that the
 9 period of performance was from January 1, 2024 through December 31, 2028.

10 Third Application for Grant Funding (2241805)

11 353. On August 12, 2022, Foreman and her collaborators submitted a
 12 proposal (through the Regents of the University of California) to the National Science
 13 Foundation Program NSF 22-585, Innovative Technology Experiences for Students and
 14 Teachers (ITEST). This applied research and development program aims to advance the
 15 equitable integration of technology in the learning and teaching of science, technology,
 16 engineering, or mathematics from pre-kindergarten through high school.

17 354. Foreman's proposal, titled "Supporting Rightful Presence in Museum
 18 Spaces: Youth as Participatory Designers of Indigenous Mixed Reality Science Exhibits,"
 19 aimed to address the ongoing marginalization of Indigenous communities in informal science
 20 learning spaces by developing and studying a model that strengthens Indigenous youths'
 21 disposition towards, and capacity for STEM pathways.

22 355. The project built on a partnership between the Lawrence Hall of
 23 Science and mak-'amham, an Indigenous Ohlone cultural organization. The project would
 24 engage Indigenous youth directly and investigate the impact of the participatory design model
 25 on their STEM learning, science identity, and interest in STEM careers. The project findings
 26 would be disseminated in informal science and technology learning communities to support
 27 the youth participatory design model in informal science education contexts.

28 Third Award of Grant Funding (2241805)

1 356. On February 19, 2023, the NSF accepted Foreman’s proposal and
 2 awarded a grant (Award Number 2241805). The Award Notice stated that the NSF was
 3 obligated in the amount of \$1,292,298. The award was made in accordance with the
 4 provisions of NSF Solicitation: “NSF 22-585, Innovative Technology Experiences for
 5 Students and Teachers,” and provided that the period of performance was from June 1, 2023
 6 through May 31, 2026.

7 357. The award covered salaries and wages for five senior personnel:
 8 Principal Investigator Ari Krakowski, Ph.D.; co-Principal Investigator Kimiko Ryokai, Ph.D.;
 9 co-Principal Investigator Sarah Olsen, Ph.D.; co-Principal Investigator Vincent Medina; and
 10 Foreman. The award also covered salaries and wages for several other professional
 11 researchers and project coordinators at the Lawrence Hall of Science. The award also
 12 provided \$162,712 to support the work of graduate students.

13 Supplemental Award to Celebrate NSF’s 75th Anniversary (2241805)

14 358. Together with her collaborators, Foreman submitted (through the
 15 Regents of the University of California) to the NSF a proposal for a supplement to award
 16 number 2241805 to celebrate NSF’s 75th anniversary on May 10, 2025. On January 15, 2025,
 17 the NSF accepted Foreman’s proposal and awarded a grant supplement (Award Number
 18 2241805). The Supplemental Award Notice stated that the NSF was obligated by an
 19 additional amount of \$98,981, bringing the total funds awarded to \$1,391,279. The
 20 Supplemental Award Notice also extended the end of the award period from May 31, 2026 to
 21 November 30, 2026.

22 Termination of Grant Funding (2315277, 2314075, and 2241805)

23 359. On April 18, 2025, the University of California, Berkeley received an
 24 email (the “April 18 Termination Email”) from the address “grants005@nsf.gov,” purporting
 25 to be from Jamie H. French, Division Director, Office of Budget Finance and Award
 26 Management, Division of Grants and Agreements. The April 18 Termination Email stated that
 27 the NSF “ha[d] determined that termination of certain awards is necessary because they are
 28 not in alignment with current NSF priorities.” It purported to terminate awards 2315277 and

1 2314075. It further stated that “the basis” of the termination is that the awards “no longer
 2 effectuate the program goals or agency priorities. This is the final agency decision and not
 3 subject to appeal.”

4 360. On April 25, 2025, the University of California, Berkeley received an
 5 email (the “April 25 Termination Email”) from the address “grants005@nsf.gov,” purporting
 6 to be from Jamie H. French, Division Director, Office of Budget Finance and Award
 7 Management, Division of Grants and Agreements. The April 25 Termination Email again
 8 stated that “the agency ha[d] determined that termination of certain awards is necessary
 9 because they are not in alignment with current NSF priorities.” It terminated, among others,
 10 award 2241805. This email likewise further stated that “the basis” of the termination is that
 11 the awards “no longer effectuate the program goals or agency priorities. This is the final
 12 agency decision and not subject to appeal.”

13 Harm Suffered from Terminations of Grant Funding

14 361. The Lawrence Hall of Science is UC Berkeley’s public science center,
 15 with a mission to inspire and engage through science discovery and learning in ways that
 16 advance equity and opportunity. Nationwide, the Lawrence Hall reaches over 20% of U.S.
 17 students in grades K through 12 with its science curricula. The Lawrence Hall has
 18 successfully obtained significant federal funding (20-25% of its budget) to support the
 19 research and development to inspire young people, families, communities, and educators in
 20 STEM discovery and learning in ways that advance equity. Without federal grant funds,
 21 including the terminated grants, the Lawrence Hall’s ability to carry out its public service
 22 mission is and will be significantly compromised.

23 362. As to “Supporting Rightful Presence in Museum Spaces: Youth as
 24 Participatory Designers of Indigenous Mixed Reality Science Exhibits” (Award 2241805),
 25 \$490,834.22 or 35% of the award remained unpaid at the time of termination. In addition,
 26 when this award was terminated, the supplemental funding for a celebration of the NSF’s 75th
 27 anniversary on May 10, 2025 was terminated as well. Because promises had already been
 28

1 made to community members, the Hall still went forward with the event and incurred the
 2 remaining costs.

3 363. As to “Working Toward Racial Equity: Building Capacity to
 4 Institutionalize Equity in Outdoor and Environmental Science Education” (Award 2315277),
 5 approximately \$3,769,075.24 or 80% of the award remained unpaid at the time of termination.

6 364. As to “Understanding the Impact of Outdoor Science and
 7 Environmental Learning Experiences Through Community-Driven Outcomes” (Award
 8 2314075), approximately \$1,500,251.79 or 75% of the award remained unpaid at the time of
 9 termination.

10 365. The financial implications of these abrupt terminations are enormous,
 11 representing millions of dollars of lost funding to the Lawrence Hall. It will likely need to
 12 reduce the time basis of and/or lay off both academic personnel and staff if it is not able to
 13 find alternative resources quickly.

14 366. While the financial implications are debilitating, the human cost of the
 15 termination of these awards is also profound. Taken together, the grant-funded projects are
 16 important to the thousands of young people, educators, and partners that they are designed to
 17 engage, serve, and/or impact. The abrupt termination of these grants means these public
 18 benefits will go unrealized.

19 D. **Department of Defense**

20 367. The Department of Defense (“DOD”) is a federal agency within the
 21 meaning of the APA that was established to promote national security.

22 1. **Congress Established DOD to Create a Comprehensive Program**
 23 **Dedicated to Ensuring the Future Security of the United States,**
Including Through Research

24 368. Shortly after the end of World War II, President Truman urged
 25 Congress to combine the War and Navy Departments under one single Department of
 26 National Defense.¹¹⁶ In his address to Congress, President Truman stated that creating the

27 116 Harry S. Truman Library Museum, *Special Message to the Congress Recommending the*
 28 *Establishment of a Department of National Defense*, (Dec. 19, 1945)
<https://www.trumanlibrary.gov/library/public-papers/218/special-message-congress->

1 Department of National Defense was an “essential step … in the development of a
 2 comprehensive and continuous program for our future safety and for the peace and security of
 3 the world.”¹¹⁷

4 369. After months of deliberations regarding the role of the military in
 5 society and the possible threat of granting too much military power to the executive, Congress
 6 created the National Military Establishment through the National Security Act of 1947.¹¹⁸ In
 7 1949, the National Military Establishment was renamed the DOD.

8 370. In passing the National Security Act of 1947, Congress intended to
 9 provide a “comprehensive program for the future security of the United States” and to unify
 10 the armed forces into “an efficient team of land, naval, and air forces.”¹¹⁹

11 371. Research was a critical component of the Act. The National Security
 12 Act established a Research and Development Board, which would advise the Secretary of
 13 Defense as to the status of scientific research relative to national security and to assist the
 14 Secretary of Defense in assuring adequate funding for research and development on scientific
 15 problems relating to national security.

16 372. The Department of Defense Reorganization Act of 1958 amended the
 17 National Security Act of 1947 and created a Director of Defense Research and Engineering,
 18 who would supervise all research activities in DOD. The law further contemplated that DOD
 19 would contract with “educational or research institutions” to carry out its research mission.¹²⁰

20 373. Since 1961, Congress has annually updated the specific duties and
 21 functions of the DOD through the National Defense Authorization Act (NDAA).

22 374. For example, the NDAA of Fiscal Year 2024 (“NDAA 2024”)
 23 authorized the DOD to grant awards and funding for research activities related but not limited
 24 to topics such as microelectronics, artificial intelligence, thermal destruction of PFAS,

26 recommending-establishment-department-national.

27 ¹¹⁷ *Id.*

28 ¹¹⁸ National Security Act of 1947, Pub. L. No. 80-253, 61 Stat. 495.

29 ¹¹⁹ *Id.*

30 ¹²⁰ Department of Defense Reorganization Act of 1958, Pub. L. No. 85-599, 72 Stat. 514.

1 quantum information, treatment of armed forces personnel with post-traumatic stress or
 2 traumatic brain injury using designated psychedelic substances, and the effect of the COVID-
 3 19 vaccine on service officers.¹²¹

4 375. The NDAA for Fiscal Year 2021 (“NDAA 2021”) required the
 5 Secretary of Defense, acting under the Secretary of Defense for Research and Engineering, to
 6 carry out a program of research and development in social science, management science, and
 7 information science.¹²² The purpose of program was to:

- 8 (1) To ensure that the Department of Defense has access to innovation
 9 and expertise in social science, management science, and
 10 information science to enable the Department to improve the
 effectiveness, efficiency, and agility of the Department’s
 operational and management activities.
- 11 (2) To develop and manage a portfolio of research initiatives in
 12 fundamental and applied social science, management science, and
 information science that is stable, consistent, and balanced across
 relevant disciplines.
- 13 (3) To enhance cooperation and collaboration on research and
 14 development in the fields of social science, management science,
 and information science between the Department of Defense and
 appropriate private sector and international entities that are involved
 in research and development in such fields.
- 15 (4) To accelerate the development of a research community and
 16 industry to support Department of Defense missions in the fields of
 social science, management science, and information science,
 including the development of facilities, a workforce, infrastructure,
 and partnerships in support of such missions.
- 17 (5) To coordinate all research and development within the Department
 18 of Defense in the fields of social science, management science, and
 information science.
- 19 (6) To collect, synthesize, and disseminate critical information on
 20 research and development in the fields of social science,
 management science, and information science.
- 21 (7) To assess and appropriately share, with other departments and
 22 agencies of the Federal Government and appropriate entities in the
 private sector—
 23 (A) challenges within the Department of Defense that may
 24 be addressed through the application of advances in

27 ¹²¹ National Defense Authorization Act for Fiscal Year 2024, Pub. L. No. 118-31, 137 Stat. 136.
 28 ¹²² National Defense Authorization Act for Fiscal Year 2021, Pub. L. No. 116-283, 134 Stat.
 3388.

- social science, management science, and information science; and

(B) datasets related to such challenges.

(8) To support the identification of organizational and institutional barriers to the implementation of management and organizational enhancements and best practices.

(9) To accelerate efforts—

(A) to transition, and deploy within the Department of Defense, technologies and concepts derived from research and development in the fields of social science, management science, and information science; and

(B) to establish policies, procedures, and standards for measuring the success of such efforts.

(10) To integrate knowledge from cross-disciplinary research on—

(A) how factors relating to social science, management science, and information science affect the global security environment; and

(B) best practices for management in the public and private sectors.

(11) To apply principles, tools, and methods from social science, management science, and information science—

(A) to ensure the Department of Defense is more agile, efficient, and effective in organizational management and in deterring and countering current and emerging threats; and

(B) to support the National Defense Strategy.¹²³

376. In addition to the annual NDAAAs, Congress has passed legislation instructing the DOD to award grants to institutions of higher education. For example, the David L. Boren National Security Education Act of 1991 (“NSEA”) instructed the Secretary of Defense to create the National Security Education Program, which would award grants to institutions of higher education in order enable such institutions to establish, operate, or improve programs in foreign languages, area studies, counter proliferation studies, and other international fields that are critical areas of those disciplines through research.¹²⁴

123 *Id*

¹²⁴ David L. Boren National Security Education Act of 1991, Pub. Law. No. 102-183, 105 Stat. 1271 (codified at 50 U.S.C. §1901 et seq.).

1 377. The National Security Education Program is codified at 50 U.S.C. §
 2 1902. Its goal is to create vital experience in language and cultures critical to U.S. National
 3 Security.

4 378. Moreover, in 2008, the Secretary of Defense created the Minerva
 5 Research Initiative (“MRI”) to address challenges such as ethnic strife, failing or failed states,
 6 rise of new powers, rise of violent extremism, disease, poverty, climate change, as well other
 7 unprecedeted social change.¹²⁵ MRI was built on the lessons learned after the September 11
 8 terrorist attacks, and was billed by the Pentagon as funding “[s]ocial science for a safer
 9 world.”¹²⁶

10 379. MRI “brings together universities and other research institutions around
 11 the world and supports . . . projects addressing specific interest areas determined by the
 12 Department of Defense.”¹²⁷ MRI “emphasizes questions of strategic importance to U.S.
 13 national security policy,”¹²⁸ including violent extremism, drug cartels, and similar threats to
 14 the nation’s security.

15 380. Since its inception in 2008, MRI has filled a gap in the knowledge base
 16 of the National Security community by developing models of terrorism, insurgency,
 17 cybersecurity, information operations, deterrence and other relevant topics, validated using
 18 freshly collected data and modern methods. That research has been praised by combatant
 19 commanders for its relevance to their increasingly complex challenges in understanding the
 20 Social Science of modern conflict.

21 381. MRI-funded research has enabled a significant improvement in
 22 scholarly understanding of subnational conflicts, as reflected in a manyfold increase in
 23
 24

25 ¹²⁵ The Minerva Initiative, <https://web.archive.org/web/20090211034051/http://minerva.dtic.mil/>.

26 ¹²⁶ Kai Kupferschmidt, *Pentagon Guts National Security Program that Harnessed Social Science*,
 27 Science (Mar. 2, 2025), <https://www.science.org/content/article/pentagon-guts-national-security-program-harnessed-social-science>.

28 ¹²⁷ Grants.Gov, *View Grant Opportunity* (Mar. 15, 2024), <https://grants.gov/search-results-detail/351388>.

¹²⁸ *Id.*

1 publications on these topics in the best peer-reviewed journals in Political Science and
 2 Economics.

3 382. MRI employs a highly competitive process for the award of its grant
 4 funding. It solicits proposals in pre-defined topic areas and selects among them using peer and
 5 expert review.

6 383. Since its inception, MRI has awarded various grants to UC researchers,
 7 including several examples in recent years.

8 384. In September 2024, MRI awarded a Peace Scholar Fellowship to a UC
 9 Berkeley graduate student researching the intertwined political, economic, and social
 10 dynamics of international conflict and conflict management.¹²⁹ In August 2023, MRI awarded
 11 a Peace Scholar Fellowship to a UC Davis graduate student conducting doctoral research
 12 related to broad concerns in conflict management and peacebuilding, including security and
 13 stability.¹³⁰ In 2022, the Minerva Initiative awarded a Peace Scholar Dissertation Fellowship
 14 to UC Berkeley and UC San Diego graduate students whose research showed “great potential
 15 to advance the peacebuilding and security fields and to positively influence policy and
 16 practice.”¹³¹

17 385. In May 2023, the DOD announced that it would award \$18 million in
 18 grants to 11 university-based faculty teams under its Minerva Initiative, including one UC San
 19 Diego team, one UC Davis team, and one UC Santa Barbara team.¹³²

20
 21 ¹²⁹ *Department of Defense Selects 2024-2025 Minerva-USIP Peace and Security Fellows*, U.S.
 22 Dep’t of Def. (Sept. 20, 2024),
<https://www.defense.gov/News/Releases/Release/Article/3912615/department-of-defense-selects-2024-2025-minerva-usip-peace-and-security-fellows/>.

23 ¹³⁰ *DOD Selects 2023-2024 Minerva-USIP Peace and Security Dissertation Fellows*, U.S. Dep’t
 24 of Def. (Aug. 10, 2023), <https://www.defense.gov/News/Releases/Release/Article/3490020/dod-selects-2023-2024-minerva-usip-peace-and-security-dissertation-fellows/>.

25 ¹³¹ *Department of Defense Announces Awards for the 2022-2023 Cohort of the Minerva-United
 26 States Institute of Peace and Security Dissertation Fellows*, U.S. Dep’t of Def. (Sept. 12, 2022),
<https://www.defense.gov/News/Releases/Release/Article/3155346/department-of-defense-announces-awards-for-the-2022-2023-cohort-of-the-minerva/>.

27 ¹³² *DOD Awards \$18 Million for Academic Research on the Socio-Political Drivers of Future
 28 Conflict*, U.S. Dep’t of Def. (May 26, 2023),
<https://www.defense.gov/News/Releases/Release/Article/3408680/dod-awards-18-million-for-academic-research-on-the-socio-political-drivers-of-f/>.

1 386. In February 2022, the DOD announced that it would award \$28.7
 2 million in grants to 17 university based faculty teams, including one UC Berkeley team,
 3 through the FY2021 Minerva Research Initiative to support research in social and behavioral
 4 science.¹³³ The 17 faculty awardees were selected from approximately 220 applicants using a
 5 merit competition. The research proposals were peer-reviewed and selected for scientific
 6 merit, relevance, and potential impact in conference between the Office of the Under
 7 Secretary of Defense for Research and Engineering and the Office of the Under Secretary of
 8 Defense for Policy.

9 387. Outside of grants given through MRI, when deciding whether to award
 10 a grant, the DOD employs a merit review process in which the technical merits of the
 11 proposed research and its potential relationship with the missions of the DOD are evaluated.
 12 32 C.F.R. § 22.315 (describing “[m]erit-based, competitive procedures”).

13 388. It is clear that Congress understood the importance of conducting
 14 research relating to national security when creating the DOD. The annual NDAs and Acts
 15 like the NSEA make clear that Congress intended for funding to be allocated for the study of
 16 social issues since such research would further the DOD’s mission: national security.

17 **2. In Response to Trump Administration Directives, DOD Improperly**
 18 **Changed Priorities and Canceled Existing Grants**

19 389. DOD quickly caved to President Trump’s and DOGE’s directives to
 20 eliminate grants relating to disfavored topics. On March 4, 2025, Chief Pentagon Spokesman
 21 Sean Parnell stated that DOD had been working “hand in hand with the DOGE team.”¹³⁴

22 390. By March 7, the Department had terminated more than \$30 million in
 23 grants that funded 91 studies. In a press release, the Department recognized “the value of
 24 academic research” but stated it was taking action “in response to President Trump’s

25 ¹³³ *Department of Defense Awards \$28.7M in Grants for the FY2021 Minerva Research Initiative*,
 U.S. Dep’t of Def. (Feb. 24, 2022),
 26 <https://www.defense.gov/News/Releases/Release/Article/2944623/department-of-defense-awards-287m-in-grants-for-the-fy2021-minerva-research-initiative/>.

27 ¹³⁴ C. Todd Lopez, *Initial DOGE Findings Reveal \$80 Million in Wasteful Spending at DOD*,
 U.S. Dep’t of Def. (Mar. 4, 2025), <https://www.defense.gov/News/News-Stories/Article/Article/4096431/initial-doge-findings-reveal-80-million-in-wasteful-spending-at-dod/>.

1 Executive Orders.”¹³⁵ The press release stated that the studies affected included research
 2 focused on “global migration patterns, climate change impacts, and social trends.”¹³⁶

3 391. By March 20, Secretary Hegseth had issued a memorandum directing
 4 the immediate termination of over \$360 million in additional grants in order to “implement
 5 the President’s orders.”¹³⁷ The memorandum stated that funding would be cut to research
 6 efforts in areas of “Diversity, Equity, and Inclusion and related social programs, climate
 7 change, social science, Covid-19 pandemic response, and other areas – that are not aligned
 8 with DOD priorities.”¹³⁸

9 392. This termination essentially gutted MRI, which was partly created to
 10 better understand climate change impacts and social trends. Beginning in March 2025, the
 11 MRI’s website, which included reports on finished and ongoing projects, became
 12 unavailable.¹³⁹ Many, if not all, of the grants previously awarded through MRI have been
 13 terminated.

14 393. By terminating grants at the direction of the President, the DOD has
 15 violated its congressional mandates, which require that the DOD fund social science research.
 16 Such mandates include, for example, Congress’s determination of DOD’s funding through
 17 legislation such as 50 U.S.C. § 1902 and the annual National Defense Authorization Acts.
 18
 19
 20
 21

22 ¹³⁵ *Pentagon Culls Social Science Research, Prioritizes Fiscal Responsibility and Technologies*
 23 *for Future Battlefield*, U.S. Dep’t of Def. (Mar. 7, 2025),
<https://www.defense.gov/News/Releases/Release/Article/4113076/pentagon-culls-social-science-research-prioritizes-fiscal-responsibility-and-te/>.

24 ¹³⁶ *Id.*

25 ¹³⁷ *Continuing Elimination of Wasteful Spending at the Department of Defense*, U.S. Dep’t of
 26 Def. (Mar. 20, 2025), <https://media.defense.gov/2025/Mar/20/2003673531/-1/-1/0/CONTINUING-ELIMINATION-OF-WASTEFUL-SPENDING-AT-THE-DEPARTMENT-OF-DEFENSE.PDF>.

27 ¹³⁸ *Id.*

28 ¹³⁹ Kai Kupferschmidt, *Pentagon abruptly ends all funding for social science research*, Science (Mar. 10, 2025), <https://www.science.org/content/article/pentagon-abruptly-ends-all-funding-social-science-research>.

1 **3. DOD Plaintiff and Other Grant Recipients Are Harmed by DOD's**
 2 **Illegal Grant Terminations**

3 394. Plaintiff Berman and Class members have long relied on DOD grants to
 4 fund meritorious projects aimed at promoting national security. The termination of previously
 5 approved grants has caused and continues to cause Plaintiff and Class members serious harm.

6 a. **Plaintiff Eli Berman's Grant Termination and Resulting**
 7 **Harm**¹⁴⁰

8 395. Dr. Eli Berman is a Professor of Economics at the University of
 9 California, San Diego ("UCSD") who studies economic development in fragile environments,
 10 with a focus on conflict. He is known particularly for his work applying rational choice
 11 analysis to the behavior of radical religious groups. He holds a dual appointment as a
 12 Professor in UCSD's School of Global Policy and Strategy.

13 396. He also serves as the Research Director for International Securities
 14 Studies at the UC Institute on Global Conflict and Cooperation ("IGCC"), a research network
 15 comprised of scholars from across the University of California and the Los Alamos and
 16 Lawrence Livermore National Laboratories, who produce and use research to help build a
 17 more peaceful, prosperous world.

18 397. Dr. Berman has published several books on national security
 19 economics including *Proxy Wars: Suppressing Violence through Local Agents* (with
 20 David Lake, Cornell University Press, 2019), *Small Wars, Big Data: The Information*
 21 *Revolution in Modern Conflict* (with Jacob N. Shapiro and Joseph H. Felter, Princeton U.
 22 Press, 2018), and *Radical, Religious and Violent: The New Economics of Terrorism*
 23 (Cambridge: MIT Press, 2009). He has also authored or co-authored dozens of articles,
 24 papers, and reviews on national security economics and other topics in economics.

25 398. Over the past three decades, he has received grant funding from a
 26 variety of governmental and private sources. He has received federal grant funding from the

27
 28 ¹⁴⁰ Plaintiff Berman submitted a declaration, filed herewith, that further details his background
 29 and research, including information about his terminated grant.

National Science Foundation, the Department of Homeland Security, the Office of Naval Research, USAID, the U.S. Institute of Peace, and the Department of Defense.

DOD Minerva Research Initiative and Past Grants

399. Dr. Berman has previously served as a principal researcher on several Minerva Research Initiative projects.

400. For example, Dr. Berman served as co-Principal Investigator of the MRI project “Terrorism, Governance, and Development,” led by Professor Jacob Shapiro of Princeton University, directing a subcontract of \$3,064,551 to IGCC, from March 2009 through August 2015. That project addressed how economic and political development are enabled when a government must also necessarily counter terrorism and insurgency. The research encompassed over a dozen scholarly empirical projects including original data collection in Afghanistan, Iraq, the Philippines, Colombia, Northern Ireland and the Palestinian Territories, among other sites. It resulted in over a dozen scholarly publications in leading journals and a book.

401. Dr. Berman served as Principal Investigator on an MRI project for research on “Deterrence with Proxies,” from 2014–2021. This research investigated how a powerful country can meet its security objectives by guiding the actions of proxy forces, while limiting the vulnerability of its own forces—as the U.S. has done over the last five decades. This grant resulted in multiple scholarly publications and an academic press book, trained postdoctoral fellows and PhD students, with a budget of \$3,745,988.

402. Dr. Berman received another grant from MRI, as the co-Principal Investigator with Stephen Biddle, for a one-year project entitled “Empirical Analysis for Meeting Great Power Challenges” in 2020. This grant funded research to evaluate the roles of technological advantage versus force strength in the success of naval battles, using data from the 16th Century through the present.

403. Dr. Berman's prior MRI grant funding resulted in successful projects that furthered the DOD's understanding of national security.

DOD's 2023 Minerva Research Grant Application and Award

1 404. On February 16, 2023, Dr. Berman, together with his colleagues,
 2 submitted an application for funding to MRI titled “Integrated Deterrence: Episodic Analysis”
 3 in response to an annual request for proposals. Dr. Berman was the Principal Investigator for
 4 the research, and the work was proposed to be done in collaboration with Professor Estaban
 5 Klor at Hebrew University, who was designated the co-Principal Investigator. Their work
 6 plan included hiring postdoctoral fellows, and both graduate and undergraduate research
 7 assistants.

8 405. “Integrated Deterrence” is a national security concept that was the
 9 centerpiece of the 2022 National Defense Strategy. Integrated deterrence “involves using
 10 every tool at the Department [of Defense]’s disposal, in close collaboration with our
 11 counterparts across the U.S. Government, and with Allies and partners, to ensure that
 12 potential foes understand the folly of aggression.”¹⁴¹ Those tools include not only coercive
 13 measures but also economic, diplomatic, and intelligence instruments.

14 406. Dr. Berman’s proposal relied on data from the Israel/Gaza conflict
 15 discovered and collected as part of the “Deterrence with Proxies” project. Dr. Berman’s team
 16 proposed: (1) coding textual data on incidents into digital form; (2) validating with social
 17 media and official sources; and (3) developing a game theoretic model to analyze the actions
 18 of combatants.

19 407. This proposed research would continue and expand Dr. Berman’s
 20 earlier Minerva project research funded during the Trump I and Biden administrations.

21 Award of Grant Funding (No. FA 9550-23-1-0437)

22 408. On August 28, 2023, Dr. Berman and his team received notice of a
 23 Grant Award that would provide \$1,032,529 in funding over three years.

24 409. Progress between 2023 and 2025 was rapid. With the help of a PhD
 25 student, Dr. Berman’s team solved a number of technical problems that had stymied previous
 26 researchers. The fine-grained nature of the team’s data allowed unprecedented opportunities

27 ¹⁴¹ 2022 National Defense Strategy, U.S. Dep’t of Def. (Oct. 27, 2022),
 28 https://media.defense.gov/2022/Oct/27/2003103845/-1/1/2022-NATIONAL-DEFENSE-
 STRATEGY-NPR-MDR.pdf.

1 to test game-theoretic models of deterrence, specifically addressing whether episodes of
 2 attack and counter-attack tended to escalate or de-escalate, and whether de-escalation led to
 3 zero attacks or to some violent equilibrium. The team's understanding of the Gaza/Israel
 4 conflict in the period before October 7, 2023 vastly improved. More importantly, the team had
 5 a modeling tool to apply to other international conflicts stuck in violent equilibria.

6 410. By late 2024, Dr. Berman's team was already circulating results and
 7 disseminating this research to policy and academic audiences, including within the U.S.
 8 Department of Defense, U.N. Peacekeeping Operations, and Israel's Institute on National
 9 Security Studies, as well as at invited academic seminars and conferences.

10 411. The policy relevance of these results is manyfold. The game-theoretic
 11 model provides an analytical tool simple enough for an undergraduate with some training in
 12 economics, political science, or mathematics to use. It has broad applicability to numerous
 13 conflicts stuck in a mutual deterrence equilibrium that is not entirely peaceful. Disinformation
 14 campaigns and election interference have the same logic and reportedly the same perpetrators,
 15 so the results are applicable in that context as well. The model and results also beg two other
 16 questions: (1) can the same methods be applied to understand other conflicts?; and (2) can the
 17 integration of benign (in addition to coercive) instruments shift those conflicts to a less
 18 destructive equilibrium, or even to settlement? Dr. Berman was on the verge of answering
 19 these questions in early 2025.

20 Research Grant Termination (No. FA 9550-23-1-0437)

21 412. On February 28, 2025, Dr. Berman received an email from the program
 22 officer for the Air Force Office of Scientific Research, which stated:

23 In line with recent Presidential executive orders, [the Office of the
 24 Undersecretary of Defense for Research & Engineering] has
 25 determined that your grant award no longer effectuates Minerva
 26 program goals or DOD priorities. As such, we are letting you know
 27 that you will soon be hearing from the grants officer responsible for
 28 your award about terminating it.

29 413. UCSD subsequently received a brief notice from the DOD Department
 30 of the Air Force that stated: "The Government intends to terminate this Award under the
 31

1 authority of 2 CFR 200.340(a)(4)." No explanation of any kind for the termination was
 2 provided.

3 414. On March 3, 2025, DOD issued a Grant/Cooperative Agreement
 4 Modification. Again, it provided no explanation for the termination beyond form language:

5 The subject grant award no longer effectuates the program goals or
 6 agency priorities as found in 2 CFR 200.340(a)(4) as incorporated
 7 into the DOD Research and Development General Terms and
 Conditions for grants by reference.

8 415. As a result of the modification, the DOD eliminated the third year of
 funding on the grant (\$248,991).

9 Harm from Grant Termination

10 416. Dr. Berman and his team have suffered immediate harm as a result of
 11 the grant cancellation.

12 417. Dr. Berman and his co-PI have been forced to significantly slow
 13 research progress and dissemination because they must now devote much of their time to
 14 writing grant applications.

15 418. The researchers on Dr. Berman's grant have been unable to employ a
 16 postdoctoral fellow and have had to release from employment their research assistants. This
 17 has slowed the team's empirical and theoretical progress, and ceased their training of young
 18 scholars.

19 419. Similarly, the loss of grant funding threatens the team's ability to retain
 20 essential support staff at the IGCC.

21 420. The loss of grant funding also threatens the overall research and
 22 teaching operations of the University of California, which relies on Indirect Cost charges
 23 (currently 59% of total cost on new grants at UC San Diego) to cover activities such as
 24 building use, equipment depreciation, operation and maintenance of UC facilities, student
 25 services, departmental administration, or administrative support offices.

26 421. Dr. Berman lost 22% of his annual compensation this calendar year due
 27 to grant termination.

1 422. These personal and financial harms are ongoing.

2 423. These harms are in addition to the loss of value to the public from Dr.
3 Berman's research—specifically the national security community, as Dr. Berman has lost
4 both time to travel and the resources to pay for travel to conferences and meetings.

5 **E. Department of Transportation**

6 424. The Department of Transportation ("DOT") is a federal agency within
7 the meaning of the APA established to protect and enhance the safety, adequacy, and
8 efficiency of the nation's transportation system and services.

9 **1. Congress Established DOT to Promote the Safety, Quality, and
10 Efficiency of the Nation's Transportation Services, Including Through
Research**

11 425. Before the DOT was created in 1967, various federal programs devoted
12 nearly 100,000 employees and almost \$6 billion to transportation across the United States.¹⁴²
13 President Lyndon B. Johnson decried this decentralized system as "not good enough" for the
14 nation, and told Congress that system resulted in inefficient, congested, and unsafe
15 transportation.¹⁴³ An improved, coordinated system was essential to the nation's economic
16 health and well-being, including employment, standard of living, accessibility, and the
17 national defense.¹⁴⁴

18 426. Congress then passed the Department of Transportation Act ("the
19 Act"), Pub. L. No. 89-670, 80 Stat. 931 (1966), which President Johnson signed into law on
20 October 15, 1966. The Act centralized 31 federal agencies and functions, including the
21 Federal Aviation Agency, the Coast Guard, the Federal Railroad Administration, and many
22 others.¹⁴⁵

23
24
25 ¹⁴² President Lyndon B. Johnson, *Special Message to Congress on Transportation* (March 2,
26 1066), <https://www.presidency.ucsb.edu/documents/special-message-the-congress-transportation-0>.

27 ¹⁴³ *Id.*

28 ¹⁴⁴ *A Brief History of the DOT*, U.S. Dep't of Trans.,
<https://transportation.libguides.com/c.php?g=1154894&p=8441208>.

¹⁴⁵ *Id.*

1 427. Today, the DOT's operating administrations include the U.S.
 2 Department of Transportation Office of the Secretary (OST), National Highway Traffic
 3 Safety Administration (NHTSA), Federal Aviation Administration (FAA), Office of Inspector
 4 General (OIG), Federal Highway Administration (FHWA), Pipeline and Hazardous Materials
 5 Safety Administration (PHMSA), Federal Motor Carrier Safety Administration (FMCSA),
 6 Federal Railroad Administration (FRA), Great Lakes St. Lawrence Seaway Development
 7 Corporation (GLS), Federal Transit Administration (FTA), and the Maritime Administration
 8 (MARAD).¹⁴⁶

9 428. The Act provides "that the national objectives of general welfare,
 10 economic growth and stability, and security of the United States require the development of
 11 transportation policies and programs that contribute to providing fast, safe, efficient, and
 12 convenient transportation at the lowest cost consistent with those and other national
 13 objectives, including the efficient use and conservation of the resources of the United States."
 14 Pub. L. No. 97-449 (codified at 49 U.S.C. § 101(a)).

15 429. The Act also provides that the DOT shall:

- 16 • ensure the coordinated and effective administration of the transportation
 programs of the United States Government;
- 17 • make easier the development and improvement of coordinated
 transportation service to be provided by private enterprise to the greatest
 extent feasible;
- 18 • encourage cooperation of Federal, State, and local governments, carriers,
 labor, and other interested persons to achieve transportation objectives;
- 19 • stimulate technological advances in transportation, through research and
 development or otherwise;
- 20 • provide general leadership in identifying and solving transportation
 problems; and
- 21 • develop and recommend to the President and Congress transportation
 policies and programs to achieve transportation objectives considering the
 needs of the public, users, carriers, industry, labor, and national defense.¹⁴⁷

27 ¹⁴⁶ *Id.*

28 ¹⁴⁷ Pub. L. 97-449 (codified at 49 U.S.C. § 101(b)).

1 430. One way the DOT effectuates its mission is by providing funding to
 2 projects that invest in “transportation infrastructure, safety, and innovation across the
 3 country.”¹⁴⁸ Congress appropriates these funds and authorizes transportation programs based
 4 on national priorities.¹⁴⁹ The DOT provides funding through Competitive Grant Funding
 5 Programs, Formula Grant Funding Programs (funding to states, tribes, and transit agencies),
 6 Loan Financing Programs, and Public-Private Partnerships (P3s).

7 431. The DOT administers competitive grant programs through its operating
 8 administrations (“OAs”) and the Office of the Secretary of Transportation.¹⁵⁰ Each OA (e.g.,
 9 Federal Highway Administration, Federal Transit Administration) solicits applications
 10 through a Notice of Funding Opportunity and selects projects based on program eligibility,
 11 evaluation criteria, and Departmental or program priorities. The Bipartisan Infrastructure Law
 12 alone provided billions of dollars for the DOT to distribute through competitive grant
 13 programs.¹⁵¹

14 432. Since the DOT’s creation, Congress has continually provided funding
 15 and additional duties for the DOT to carry out its mission.¹⁵² The Department’s authorities are
 16 codified under U.S. Code Titles 23 (highways), 46 (maritime), and 49 (aviation, railroads, and
 17 other surface modes).¹⁵³

18 433. In subsequent legislation, Congress has consistently affirmed that the
 19 DOT shall improve the nation’s transportation system for all Americans, and has done so
 20 using language that the Trump Administration associates with “DEI” and “environmental
 21 justice.”

22
 23 ¹⁴⁸ *Overview of Funding and Financing at USDOT*, U.S. Dep’t of Trans.,
 24 <https://www.transportation.gov/grants/dot-navigator/overview-funding-and-financing-usdot>.

25 ¹⁴⁹ *Id.*

26 ¹⁵⁰ *Id.*

27 ¹⁵¹ *The Bipartisan Infrastructure Law and Innovation*, U.S. Dep’t of Trans.,
 28 <https://www.transportation.gov/priorities/innovation/bipartisan-infrastructure-law-and-innovation>.

29 ¹⁵² *Strategic Plan for FY 2028-2022*, U.S. Dep’t of Trans., (February 2018),
 30 <https://www.transportation.gov/sites/dot.gov/files/docs/mission/administrations/office-policy/304866/dot-strategic-planfy2018-2022508.pdf>.

31 ¹⁵³ *Id.*

1 434. For example, in 1991, Congress passed the Intermodal Surface
 2 Transportation Efficiency Act (“ISTEA”) to develop a National Intermodal Transportation
 3 System. Pub. L. No. 102-240, 105 Stat. 1914 (Dec. 18, 1991). Congress declared that the
 4 system would include “significant improvements in public transportation necessary to achieve
 5 national goals for improved air quality, energy conservation, international competitiveness,
 6 and mobility for elderly persons, persons with disabilities, and economically disadvantaged
 7 persons in urban and rural areas of the country.” Pub L. 102-240 § 2. Parts of the ISTE
 8 directed the Secretary of the DOT (“the Secretary”) to implement this system by leading and
 9 coordinating the research and development of high-speed rail, wooden bridges, and highway
 10 safety conditions. *Id.* Title I, Part A, §§ 1036, 1039. The ISTE also authorized the Secretary
 11 of the DOT to collaborate with non-federal entities and to conduct research into areas such as
 12 underground pipes, buses, and construction materials. *Id.* Title VI, Part A §§ 6001, 6005,
 13 6020, 6021.

14 435. In 1998, Congress passed the Transportation Equity Act for the 21st
 15 Century (“TEA-21”) to authorize funds for Federal-aid highways, highway safety programs,
 16 transit programs, and other transportation purposes. Pub. L. No. 105–178, 112 Stat. 107 (June
 17 9, 1998).

18 436. The TEA-21 reauthorized the Disadvantaged Business Enterprises
 19 (“DBE”) provision, which was first introduced in DOT legislation beginning in 1983, and has
 20 been reauthorized at every opportunity since.¹⁵⁴ The TEA-21’s DBE provision required that at
 21 least 10 percent of the funding made available by the statute was to be provided to small
 22 businesses controlled and owned by “socially and economically disadvantaged individuals.”
 23 *Id.* Title I, Subtitle A, § 1101(b)(1).

24 437. Most recently, in 2021, Congress passed the Infrastructure Investment
 25 and Jobs Act (“IIJA”), also known as the Bipartisan Infrastructure Law. Pub L. No. 117-85,
 26 135 Stat. 429 (codified at 23 U.S.C § 101). Much of the IIJA requires the DOT to consider
 27

28 ¹⁵⁴*Disadvantaged Business Enterprise (DBE) Program*, U.S. Dep’t of Trans.,
<https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise>.

1 and prioritize projects that target disadvantaged communities and prioritize equitable
 2 outcomes.

3 438. The IIJA directed the Secretary to establish the Healthy Streets
 4 program, which would provide grants to mitigate urban heats islands and improve air quality.
 5 Pub L. No. 117-85, Title I, Subtitle D, § 11406. In awarding the grants, Congress specified
 6 that the Secretary should prioritize projects that target low-income or disadvantaged
 7 communities. *Id.* § 11406(f)(1).

8 439. The IIJA also directed the Secretary to make grants to organizations
 9 constructing safe and connected active transportation facilities. The IIJA also directed that in
 10 considering applications, the Secretary should consider the extent to which a proposal
 11 addresses “existing disparities in bicyclist and pedestrian fatality rates based on race or
 12 income level or provide access to jobs and services for low-income communities and
 13 disadvantaged communities.” *Id.*

14 440. The IIJA also directed the Secretary to establish the Reconnecting
 15 Communities Pilot (“RCP”) Grant Program to advance “community-centered transportation
 16 connection projects, with a priority for projects that benefit low-capacity communities.”¹⁵⁵
 17 The primary goal of the RCP is to “reconnect communities harmed by past transportation
 18 infrastructure decision.”¹⁵⁶ In evaluating grant applications, the Secretary is required to
 19 consider a project’s “opportunities for inclusive economic development.” Pub L. 117-85 Title
 20 I, Subtitle E, § 11509 (d)(4)(B)(v).

21 441. The IIJA also directed the Secretary to establish the Rural
 22 Opportunities to Use Transportation for Economic Success Office (“ROUTES”) which was
 23 tasked to “improve analysis of projects from rural areas, Indian Tribes, and historically
 24 disadvantaged communities in rural areas applying for Department discretionary grants.” *Id.* §

25
 26
 27 ¹⁵⁵ *Reconnecting Communities Pilot (RCP) Grant Program*, U.S. Dep’t of Trans.,
 28 https://www.transportation.gov/reconnecting.

29 ¹⁵⁶ *Id.*

1 25010(b)(1)(A). The IIJA codified the ROUTES initiative, which was established under the
 2 first Trump administration in October 2019 with DOT Order 5050.1.¹⁵⁷

3 442. The IIJA also amended the University Transportation Centers (“UTC”)
 4 Program, which was established in 1987. The UTC program “advances the state-of-the-art in
 5 transportation research and technology, and develops the next generation of transportation
 6 professionals.”¹⁵⁸ The program requires the Secretary to award grants to proposals that
 7 address six research priorities: improving mobility of people and goods; reducing congestion;
 8 promoting safety; improving the durability and extending the life of transportation
 9 infrastructure; preserving the environment; preserving the existing transportation system; and
 10 reducing transportation cybersecurity risks. 49 U.S.C. § 6503(c)(1). And the Secretary is
 11 required to select grants based in part on the recipient’s “demonstrated commitment” to
 12 developing the transportation workforce through “outreach activities to attract new entrants
 13 into the transportation field, including women and underrepresented populations.” *Id.* §
 14 5505(b)(4)(B)(v)(II).

15 443. The IIJA also established the Safe Streets and Roads for All (SS4A)
 16 program with over \$5 billion in funds to distribute to initiatives preventing roadway fatalities
 17 and serious injuries.¹⁵⁹ In awarding grants, the IIJA requires the Secretary to consider whether
 18 a project ensures “equitable investment in the safety needs of underserved communities in
 19 preventing transportation-related fatalities and injuries.” Pub L. No. 117-85, Title IV, Subtitle
 20 A, § 24112(d)(3)(E).

21 444. The IIJA also required the Federal Motor Carrier Safety
 22 Administration, an administration of the DOT, to establish an advisory board focused on
 23 creating opportunities for women in the trucking industry. *Id.* § 23007.

24
 25
 26 ¹⁵⁷ *Rural Opportunities to Use Transportation for Economic Success (ROUTES)*, U.S. Dep’t of
 Trans., <https://www.transportation.gov/rural>.

27 ¹⁵⁸ *University Transportation Centers*, U.S. Dep’t of Trans.,
<https://www.transportation.gov/content/university-transportation-centers>.

28 ¹⁵⁹ *Safe Streets and Roads for All (SS4A) Grant Program*, U.S. Dep’t of Trans.,
<https://www.transportation.gov/grants/SS4A>.

1 445. The IIJA also reauthorized the DBE program, finding that “while
 2 significant progress has occurred due to the establishment of the disadvantaged business
 3 enterprise program, discrimination and related barriers continue to pose significant obstacles
 4 for minority- and women-owned businesses seeking to do business in Federally assisted”
 5 transportation markets. *Id.* Title I, Subtitle A, § 11101(e)(1)(A).

6 446. These measures demonstrate that Congress directed the DOT to
 7 consider so-called “DEI” priorities in its initiatives, including in grant funding.

8 **2. In Response to Trump Administration Directives, DOT Improperly**
Changed Priorities and Canceled Existing Grants

9 447. In January 2025, Sean Duffy was appointed as the Secretary of the
 10 DOT.¹⁶⁰ Duffy’s first actions were to “advance[] President Donald Trump’s agenda to rescind
 11 woke policies” and ensure that all DOT “policies align with the Administration’s
 12 priorities.”¹⁶¹ He made no mention of the priorities set by Congress.

13 448. To align with President Trump’s executive orders, including E.O.
 14 14148, the Secretary signed the “Woke Rescission” Memorandum, which directed DOT
 15 officials to “identify and eliminate all Biden-era programs, policies, activities, rules, and
 16 orders that promote climate change activism, Diversity, Equity, and Inclusion (DEI)
 17 initiatives, racial equity, gender identity policies, environmental justice, and other partisan
 18 objectives.”¹⁶²

19 449. This alignment with the Trump administration included how the DOT
 20 defended its lawsuits.

21 450. In October 2023, two DOT contractors had sued the DOT, challenging
 22 the constitutionality of the DBE program. *Mid-Am. Milling Co. v. United States Dep’t of*
23 Transp., No. 3:23-CV-00072-GFVT-EBA, 2025 WL 1461818, at *1 (E.D. Ky. May 21,
 24

25
 26 ¹⁶⁰ *U.S. Transportation Secretary Duffy Takes Action to Rescind “Woke” DEI Policies and*
27 Advance President Trump’s Economic Agenda, U.S. Dep’t of Trans. (Jan. 29, 2025),
<https://www.transportation.gov/briefing-room/us-transportation-secretary-sean-duffy-takes-action-rescind-woke-dei-policies-and>.

28 ¹⁶¹ *Id.*

¹⁶² *Id.*

1 2025). Any person may qualify as socially and economically disadvantaged, but certain racial
 2 groups and women are “rebuttably presumed” to be disadvantaged. *Id.* In September 2024, a
 3 district court judge issued a preliminary injunction enjoining the DOT from “mandating the
 4 use of race-and gender-based rebuttable presumptions for [DOT] contracts impacted by DBE
 5 goals.” *Id.* at *2. In May 2025, after the change in administration, the DOT filed a proposed
 6 consent order stipulating that the DBE program’s use of race- and sex-based presumptions is
 7 unconstitutional.¹⁶³ However, the district judge has not yet approved the order as intervenor-
 8 defendants continue to litigate the case on behalf of beneficiaries of the program. *Mid-Am.*
 9 *Milling Co.*, 2025 WL 1461818, at *1.

10 451. Secretary Duffy has been clear that he is targeting polices and grants
 11 that do not conform to the Administration’s priorities.

12 452. On April 24, 2025, the Secretary sent a letter to all DOT grant
 13 recipients instructing them to “Follow the Law.”¹⁶⁴ The letter told recipients they had “entered
 14 into legally enforceable agreements with the United States Government and are obligated to
 15 comply fully with all applicable Federal laws and regulations.”¹⁶⁵ The letter also provided
 16 that:

17 “Whether or not described in neutral terms, any policy, program, or
 18 activity that is premised on a prohibited classification, including
 19 discriminatory policies or practices designed to achieve so-called
 20 “diversity, equity, and inclusion,” or “DEI,” goals, presumptively
 21 violates Federal law. Recipients of DOT financial assistance must
 22 ensure that the personnel practices (including hiring, promotions, and
 23 terminations) within their organizations are merit-based and do not
 24 discriminate based on prohibited categories. Recipients are also
 25 precluded from allocating money received under DOT awards—such
 26 as through contracts or the provision of other benefits—based on
 27 suspect classifications.”¹⁶⁶

24 ¹⁶³ *Mid-Am. Milling Co. v. United States Dep’t of Transp.* No. 3:23-CV-00072-GFVT-EBA, Dkt.
 25 82-1, May 28, 2025.

26 ¹⁶⁴ *Trump’s Transportation Secretary Sean P. Duffy: Follow The Law*, U.S. Dep’t of Trans. (Apr.
 27 24, 2025), <https://www.transportation.gov/briefing-room/trumps-transportation-secretary-sean-p-duffy-follow-law>. The full text of the letter is available at
<https://www.transportation.gov/sites/dot.gov/files/2025-05/Follow%20the%20Law%20Letter%20to%20Applicants%204.24.25.pdf>.

28 ¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

1 453. The letter told recipients they were required to cooperate with federal
 2 authorities, including cooperating and not impeding U.S. Immigration and Customs
 3 Enforcement (“ICE”).¹⁶⁷ And it provided that “DOT may also terminate funding in response
 4 to substantiated breaches of the terms of the agreement, or if DOT determines that continued
 5 funding is no longer in the public interest.”¹⁶⁸

6 454. In blatant contradiction of its enabling legislation in the IIJA, on April
 7 1, 2025, the Secretary removed the “DEI/Climate Requirements” in the grant application for
 8 the SS4A grant program.¹⁶⁹ This action removed the definition of equity and language stating
 9 that the DOT was seeking projects that address equity and environmental justice from the
 10 notice of funding opportunity.¹⁷⁰ The Secretary said that “DEI and environmental justice
 11 requirements for the Safe Streets program weren’t just unnecessary – they were bogging down
 12 the system and preventing money from going out to where it’s needed.”¹⁷¹

13 455. On May 2, 2025, the Secretary announced that the DOT terminated
 14 “seven woke university grants” that were used to “advance a radical DEI and green agenda
 15 that were both wasteful and ran counter to the transportation priorities of the American
 16 people.”¹⁷² The Secretary explained that the “previous administration turned the [DOT] into
 17 the Department of Woke” and that Americans “have zero interest in millions of their tax
 18 dollars funding research on the intersection of gender non-conforming people and
 19 infrastructure inequality or whether road improvement projects are racist.”¹⁷³ The
 20 terminations included grants to UC Davis for “accelerating equitable decarbonization
 21 research,” to USC for research regarding how “the transportation system creates and

22
 23 ¹⁶⁷ *Id.*

24 ¹⁶⁸ *Id.*

25 ¹⁶⁹ *U.S. Transportation Secretary Sean P. Duffy Announces Funding for Communities to Improve*
Road Safety, U.S. Dep’t of Trans. (April 1, 2025), <https://www.transportation.gov/briefing-room/us-transportation-secretary-sean-p-duffy-announces-funding-communities-improve-road>.

26 ¹⁷⁰ *Id.*

27 ¹⁷¹ *Id.*

28 ¹⁷² *U.S. Transportation Secretary Sean P. Duffy Defunds Woke University Grants*, U.S. Dep’t of
 Trans. (May 2, 2025), <https://www.transportation.gov/briefing-room/us-transportation-secretary-sean-p-duffy-defunds-woke-university-grants>.

29 ¹⁷³ *Id.*

1 perpetuates inequities,” and to Johns Hopkins for research on “pollution exposure inequality
 2 in New York City.”¹⁷⁴

3 456. Plaintiff Handy received a letter containing the following form
 4 explanation for her grant’s termination, which demonstrates that DOT replaced its
 5 Congressionally mandated directives for Defendant Trump’s:

6 At the time your grant was issued, the grant agreement and applicable
 7 regulations authorized termination by “the Federal awarding agency
 8 or pass-through entity, to the greatest extent authorized by law, if an
 award no longer effectuates the program goals or agency priorities.”
 2 CFR § 200.340(a)(2). DOT’s priorities presently include:

- 9 • promoting traditional forms of energy and natural resources to the
 greatest extent possible,
- 10 • ensuring that taxpayer dollars are used efficiently in ways that
 maximally benefit the American people and improve their quality of
 life, and
- 11 • ceasing to promote divisive diversity, equity, and inclusion
 initiatives that discriminate on the basis of race, national origin, or
 another protected characteristic.

12 Having individually reviewed your grant in light of DOT’s priorities,
 13 the Office of the Secretary has determined that your grant is
 14 inconsistent with the priorities listed above.¹⁷⁵

15 457. On information and belief, all researchers received the same “rationale”
 16 for grant termination.

17 458. The DOT’s present priorities used to rescind research grants contradict
 18 Congress’s mandate to the DOT in the IIJA and other directives.

19 459. Many parts of the IIJA provide funding for clean energy projects, as
 20 opposed to “traditional forms of energy,” and mandates that the DOT distribute these funds.
 21 For example, the IIJA appropriated “\$1.1 billion for the Federal Transit Administration’s Low
 22 or No Emission Vehicle Program and \$50 million for the Electric or Low-emitting Ferry
 23

24
 25
 26
 27
 28 ¹⁷⁴ *Id.*

Handy Decl. Ex. F.

1 Program in FY 2022.”¹⁷⁶ The IIJA also included billions of dollars to create additional
 2 charging stations for electric vehicles.¹⁷⁷

3 460. “Ceasing to promote divisive diversity, equity, and inclusion,
 4 initiatives” also violates the IIJA and other legislation. Specifically, applicants for the UTC
 5 program are required to be evaluated on their “demonstrated commitment” to developing the
 6 transportation workforce through “outreach activities to attract new entrants into the
 7 transportation field, including women and underrepresented populations.” 49 U.S.C. §
 8 5505(b)(4)(B)(v)(II).

9 461. On July 2, 2025, the Secretary sent a second letter to all DOT grant
 10 recipients announcing that the “Trump Administration will not enforce Biden-era DEI and
 11 Green New Scam policies or requirements.”¹⁷⁸ The Secretary wrote that the DOT will not
 12 enforce anything related to climate change, greenhouse gas emissions, racial equity, gender
 13 identity, diversity, equity, and inclusion goals, environmental justice, or the Justice 40
 14 Initiative. This change was in response to several of President Trump’s Executive Orders,
 15 including:

- 16 • E.O. 14170, Reforming the Federal Hiring Process and Restoring Merit to
 Government Service;
- 17 • E.O. 14151, Ending Radical and Wasteful Government DEI Programs and
 Preferencing;
- 18 • E.O. 14168, Defending Women from Gender Ideology Extremism and
 Restoring Biological Truth to the Federal Government;
- 19 • E.O. 14149, Restoring Freedom of Speech and Ending Federal
 Censorship;
- 20 • E.O. 14173, Ending Illegal Discrimination and Restoring Merit-Based
 Opportunity; and

24
 25 ¹⁷⁶ Fact Sheet: Climate and Resilience in the Bipartisan Infrastructure Law, U.S. Dep’t of Trans.,
 26 <https://www.transportation.gov/bipartisan-infrastructure-law/fact-sheet-climate-and-resilience-bipartisan-infrastructure-law>.

27 ¹⁷⁷ *Id.*

28 ¹⁷⁸ President Trump’s Transportation Secretary Sean P. Duffy to Recipients of Federal Funds:
 We’re Tossing All Biden-Era DEI Directives, U.S. Dep’t of Trans. (July 9, 2025),
 <https://www.transportation.gov/briefing-room/president-trumps-transportation-secretary-sean-p-duffy-recipients-federal-funds-were>.

- 1 • E.O. 14154, Unleashing American Energy.¹⁷⁹

2 462. The Trump DOT's drastic shift in priorities and purging of certain ideas
 3 deviates from the DOT's long-tradition of improving the nation's transportation for all
 4 Americans and violates Congressional statutes.

5 3. **DOT Plaintiff and Other Grant Recipients Are Harmed by DOT's**
 6 **Illegal Grant Terminations**

7 463. Plaintiff Handy and Class members have long relied on DOT grants to
 8 fund meritorious projects in the transportation space. The termination of previously approved
 9 grants has caused and continues to cause Plaintiff and Class members serious harm.

10 b. **Plaintiff Susan Handy's Grant Terminations and Resulting**
 11 **Harm**¹⁸⁰

12 464. Dr. Susan L. Handy is a Distinguished Professor in the Department of
 13 Environmental Science and Policy at the University of California, Davis who studies the
 14 relationship between transportation and land use, particularly the impact of land use on travel
 15 behavior and on strategies for reducing automobile dependence.

16 465. Dr. Handy has served as the Center Director of the National Center for
 17 Sustainable Transportation (NCST) since its founding in 2013. She previously served as the
 18 Chair of the Transportation Technology and Policy Graduate Group, the Chair of the
 19 Department of Environmental Science and Policy, and the Director of the Sustainable
 20 Transportation Center at UC Davis. Her recent work includes projects for the California Air
 21 Resources Board and Caltrans.

22 466. Dr. Handy is the author of the book *Shifting Gears: Toward a New*
 23 *Way of Thinking About Transportation* (MIT Press, 2023). She has also authored or co-
 24 authored dozens of articles, papers, and reviews on transportation and land use.

25 467. Dr. Handy also serves as an Associate Editor of *Transportation*
 26 *Research Record* and serves on the Editorial Board of numerous other journals including

27 ¹⁷⁹ *Id.*

28 ¹⁸⁰ Plaintiff Handy submitted a declaration, filed herewith, that further details her background and
 research, including information about her terminated grant.

1 *Transport Reviews, Travel Behavior & Society; Transport Policy; Journal of Transportation*
 2 *and Land Use; Journal of Planning Education and Research; and Transportation Research.*

3 The National Center for Sustainable Transportation (NCST)

4 468. Dr. Handy is the director of the National Center for Sustainable
 5 Transportation (“NCST”), which provides national leadership in advancing environmentally
 6 sustainable transportation through cutting-edge research, direct policy engagement, and
 7 education. The NCST was established in 2013 after being selected in a national competition to
 8 serve as one of five national transportation centers as part of the University Transportation
 9 Centers (UTC) program administered by the DOT under the Moving Ahead for Progress in
 10 the 21st Century Act. In 2016, the NCST successfully re-competed for the opportunity to
 11 continue serving as one of the DOT’s national UTCs under the Fixing America’s Surface
 12 Transportation Act

13 469. The NCST is a powerful coalition of seven universities across the
 14 country. The Institute of Transportation Studies at the University of California, Davis, leads
 15 the NCST, with partner centers at California State University, Long Beach; Georgia Institute
 16 of Technology; Texas Southern University; the University of California, Riverside; the
 17 University of Southern California; and the University of Vermont.

18 470. Since its founding, the NCST has been delivering results with timely,
 19 practical research that has produced 356 reports and white papers, 163 policy and research
 20 briefs—which make complex findings easy to understand for everyday Americans—and over
 21 400 peer-reviewed publications. Over the past decade, the NCST has hosted 416 events,
 22 drawing nearly 30,000 participants from government agencies, industry leaders, and the
 23 public. Hundreds of students have taken part in NCST programs.

24 471. Many of the NCST’s studies target transportation challenges in small
 25 towns and farming communities, where good roads and access to jobs and services are
 26 essential to daily life and economic survival. NCST also supports American industry and
 27 supply chains by exploring better ways to move goods.

28

1 472. Moreover, the NCST's activities have had transformational impacts on
 2 the nation's transportation systems. Its work has contributed to accelerated adoption of
 3 vehicles and fuels that minimize greenhouse gas emissions, new approaches to infrastructure
 4 provision and systems operation that lessen environmental impacts, and a shift towards modes
 5 other than driving so as to reduce vehicle miles traveled while improving accessibility. These
 6 transformations help the United States reduce its greenhouse gas emissions while reducing
 7 other environmental harms, enhancing social equity, and supporting economic vitality.

8 473. The NCST has received funding from the DOT, the California
 9 Department of Transportation, the California Air Resources Board, the California Energy
 10 Commission, the South Coast Air Quality Management District, sources in the States of
 11 Georgia, Texas, and Vermont, and private industry.

12 Award of NCST Grant Funding (Nos. 69A3552344814 and 69A3552348319)

13 474. In 2022, Dr. Handy and her colleagues at the NCST submitted a grant
 14 proposal to the DOT to fund the NCST's research activities in the DOT Priority Area
 15 "Preserving the Environment," as set out by the Infrastructure Investment and Jobs Act
 16 ("IIJA").

17 475. The NCST would support four kinds of research activities, all aimed at
 18 matching research to policy: (1) building tools; (2) developing policy; (3) conducting studies;
 19 and (4) undertaking basic research. The application explained that the NCST's research
 20 activities would relate to electrification, alternative fuels, air quality, and environmental
 21 justice.

22 476. Dr. Handy was the Principal Investigator for this grant proposal.

23 477. On June 1, 2023, Dr. Handy and her team received from DOT notice of
 24 Grant Award Nos. 69A3552344814 and 69A3552348319 awarding a total of \$4,000,000 per
 25 funding year, for five annual allocations of funding.

26 478. This award was made under the IIJA, through which the DOT awarded
 27 \$90 million in funding per year for the competitively selected UTC programs, including the
 28 NCST's \$4 million annual award. The NCST's funding was awarded to promote research

1 focused on accelerating equitable decarbonization that benefits both the transportation system
 2 and the well-being of people in overburdened and historically disadvantaged communities.
 3 The research activities were focused on three critical domains: (1) vehicle technology to
 4 accelerate lower greenhouse gas emissions; (2) infrastructure provision; and (3) reshaping
 5 travel demand.

6 Termination of NCST Grant Funding (Nos. 69A3552344814 and
 7 69A3552348319)

8 479. On May 2, 2025, Dr. Handy and her team learned of the termination of
 9 all of NCST's DOT funding—in effect the termination of the NCST itself—through a DOT
 10 press release titled “U.S. Transportation Secretary Sean P. Duffy Defunds Woke University
 11 Grants.”¹⁸¹

12 480. Also on May 2, 2025, UC Davis received a Notice of Termination
 13 announcing the termination of Award Nos. 69A3552344814 and 69A3552348319 on the
 14 grounds that the awards are “inconsistent” with current DOT “priorities,” including “DOT’s
 15 priority to cease promoting DEI initiatives that discriminate on the basis of race, national
 16 origin, or another protected characteristic.”

17 481. The Notice of Termination also apparently references the research
 18 activities of a different DOT grantee, C2SMARTER, in purporting to explain the reasons for
 19 the termination of NCST’s grants.

20 Pacific Southwest Region University Transportation Center (PSR UTC) and Grant
Funding

21 482. The Pacific Southwest Region University Transportation Center is a
 22 regional UTC funded by the DOT. Established in 2016, the PSR UTC is led by the University
 23 of Southern California and includes nine research partner universities, including the
 24 University of California, Berkeley, the University of California, Davis, the University of
 25 California, Irvine, and the University of California, Los Angeles.

27 ¹⁸¹ *U.S. Transportation Secretary Sean P. Duffy Defunds Woke University Grants*, U.S. Dep’t of
 28 Trans. (May 2, 2025), <https://www.transportation.gov/briefing-room/us-transportation-secretary-sean-p-duffy-defunds-woke-university-grants>.

1 483. Dr. Handy is the Principal Investigator on Subaward No. SCON-
 2 00005220 funded through PSR UTC's DOT Grant No. 69A3552348309. The subaward was
 3 for \$245,000 for a budget period of June 1, 2023, through May 31, 2024; subsequently
 4 amended on July 1, 2024, to provide the second annual allocation of funding in the amount of
 5 \$240,734.55, and to extend the subaward end date to May 31, 2025.

6 Termination of PSR UTC Grant Funding and Subaward

7 484. The May 2, 2025 DOT press release announcing the termination of
 8 NCST's grants also announced the termination of PSR UTC's grants.

9 485. On May 5, 2025, UC Davis's Sponsored Programs Office received a
 10 stop work notification relating to Subaward No. SCON-00005220. Attached to the email was
 11 the termination letter the University of Southern California received from DOT, terminating
 12 PSR UTC's Grant No. 69A3552348309.

13 486. The language of this termination letter was similar to the language in
 14 the letter terminating NCST's grant funding. The PSR UTC termination letter similarly states
 15 that the "grant is inconsistent with the priorities" of DOT, including "DOT's priority to cease
 16 promoting DEI initiatives that discriminate on the basis of race, national origin, or another
 17 protected characteristic." The letter also labels PSR UTC's electric vehicle statement and
 18 "environmental justice themes" as "discriminatory consideration and 'green new deal'"
 19 principles that are inconsistent with DOT's priorities."

20 Harm Suffered from Grant Terminations

21 487. Dr. Handy and her collaborators at NCST and PSR UTC have suffered
 22 immediate harm as a result of the cancellation of their grants and the defunding of their
 23 research centers.

24 488. Dr. Handy and the 77 other researchers funded by these grants at the
 25 time of cancellation have been forced to significantly slow both research progress and
 26 dissemination. As of the terminations of the grants, 79 research projects were in progress that
 27 now may not be completed. Rather than taking on pressing research questions, much of Dr.
 28 Handy's time and that of her fellow researchers has been taken up writing grant applications

1 to replace lost funding. They have lost both time and funding needed to travel to meetings and
 2 conferences to disseminate their research.

3 489. The researchers on these grants have had to lay off or find new sources
 4 of funding for more than 40 graduate and undergraduate research assistants who were
 5 employed on research projects funded by these grants. Researchers have been unable to make
 6 employment offers to graduate and undergraduate research assistants or to postdoctoral
 7 fellows for the coming year. This not only has slowed Dr. Handy's research progress, it has
 8 also ceased her training of these young scholars.

9 490. Loss of grant funding similarly threatens Dr. Handy's ability to retain
 10 essential support staff. The loss of grant funding resulted in the loss of the equivalent of
 11 nearly 5 full time staff positions at UC Davis alone. The reduction in staffing is severely
 12 limiting the active dissemination of findings from completed projects to agencies, industry,
 13 and the public.

14 491. Loss of grant funding threatens the overall research and teaching
 15 operations of UC Davis, which relies on federal funding to further its educational and
 16 scientific purposes.

17 492. These personal and financial harms are ongoing. Nearly 10 percent of
 18 Dr. Handy's annual compensation was lost this calendar year due to grant terminations.

19 493. These harms are in addition to the loss of value to the public from the
 20 research funded by these grants. The grant terminations put an end to research that is critical
 21 to ensuring the environmental and financial sustainability of the nation's transportation
 22 system and enhancing its ability to serve the needs of the U.S. population.

23 **F. Department of Health and Human Services and National Institutes of Health**

24 494. The Department of Health and Human Services ("HHS") is the federal
 25 agency responsible for protecting public health and well-being in the United States.

26 495. The National Institutes of Health ("NIH") is a subunit of HHS and is
 27 the federal agency responsible for conducting and supporting biomedical and public health
 28 research. Widely acknowledged as a "crown jewel" of America's scientific institutions—a

1 characterization the agency's director recently reiterated¹⁸²—NIH is the largest public funder
 2 of medical research in the world.

3 **1. Congress Established NIH to Fund Medical Research on a Broad Scale**
 to Advance Human Health and Well-Being in the United States

4 496. NIH traces its origins to the 1887 establishment of the Hygienic
 5 Laboratory, a component of the Marine Hospital Service dedicated to the study of epidemic
 6 diseases. Subsequent statutes have transformed that single laboratory into a multifaceted
 7 agency at the center of this suit. In 1902, the laboratory assumed responsibility for testing and
 8 regulating vaccines and biologic products with the passage of the Biologics Control Act, ch.
 9 1378, 32 Stat. 728 (1902). In 1930, Congress redesignated the laboratory as the National
 10 Institute (singular) of Health and established fellowships for biological and medical
 11 researchers. *See Ransdell Act*, ch. 251, 46 Stat. 379 (1930). In 1937, Congress created the
 12 National Cancer Institute, authorizing the new institute to award research grants to nonfederal
 13 scientists and to fund fellowships for young researchers. *See National Cancer Institute Act*,
 14 ch. 565, 50 Stat. 559 (1937). In 1944, Congress made the National Cancer Institute a division
 15 of NIH and expanded NIH's support for biomedical research. Public Health Service Act
 16 ("PHSA"), ch. 373, 58 stat. 682 (1944). And in 1948, following the creation of several
 17 additional subsidiary institutes, Congress gave the umbrella agency its current name: the
 18 National Institutes (plural) of Health. *See National Heart Act*, ch. 481, 62 Stat. 464 (1948).

19 497. Today, NIH is made up of 27 institutes and centers ("ICs" in NIH
 20 parlance), each focusing on a different disease or body system. NIH is the primary source of
 21 federal funding for biomedical and public health research in the United States. In fiscal year
 22 2024, NIH spent over \$36 billion on over 60,000 research grants, awarding recipients in each
 23 of the fifty States and the District of Columbia.¹⁸³

25 ¹⁸² *Opening Statement of Dr. J. Bhattacharya, S. Comm. on Health, Educ., Lab. & Pensions*
 (March 5, 2025), <https://bit.ly/Bhattacharya-Statement>.

26 ¹⁸³ *See United for Medical Research, NIH's Role in Sustaining the U.S. Economy, United*
 27 *for Medical Research*, at 5 (Mar. 2025), https://www.unitedformedicalresearch.org/wp-content/uploads/2025/03/UMR_NIH-Role-in-Sustaining-US-Economy-FY2024-2025-Update.pdf (tabulating NIH research grants awarded, FY2024); see also NIH, *NIH Awards by Location & Organization*, <https://report.nih.gov/award/index.cfm> (searchable results); NIH, *Research Project Grants*, <https://report.nih.gov/nihdatabook/category/4> (identifying historical data

1 498. According to the agency, “NIH’s mission is to seek fundamental
 2 knowledge about the nature and behavior of living systems and the application of that
 3 knowledge to enhance health, lengthen life, and reduce illness and disability.”¹⁸⁴ NIH carries
 4 out its mission through both “intramural” research (that is, research conducted in-house at
 5 NIH) and “extramural” research (that is, research conducted at outside institutions with NIH
 6 financial support).

7 499. In addition to supporting numerous scientific breakthroughs, NIH funds
 8 are also critical to the education and training of the next generation of scientists and
 9 researchers. NIH’s financial awards support postdoctoral fellows, graduate students, and
 10 early-career investigators whose work advances scientific discovery and innovation. These
 11 funds not only provide financial support, but also enable mentorship, access to cutting-edge
 12 resources, and participation in collaborative research environments that are essential to
 13 developing the skills, experience, and professional networks needed to sustain the biomedical
 14 research enterprise.

15 500. NIH’s extramural research activities stem from statutory directives.
 16 Congress has enacted laws authorizing NIH and its constituent institutes and centers to
 17 conduct research and award grants, and it has supplied funding for those activities through
 18 regular appropriations.

19 501. The PHSA contains Congress’s overarching authorization for NIH (as a
 20 component of the “Public Health Service”) to conduct research and award grants. 42 U.S.C.
 21 §241 (a) states:

22 The Secretary [of Health and Human Services] shall conduct in the [Public
 23 Health] Service, and encourage, cooperate with, and render assistance to other
 24 appropriate public authorities, scientific institutions, and scientists in the conduct
 25 of, and promote the coordination of, research, investigations, experiments,
 26 demonstrations, and studies relating to the causes, diagnosis, treatment, control,
 27 and prevention of physical and mental diseases and impairments of man,
 28 including water purification, sewage treatment, and pollution of lakes and
 streams.

And 42 U.S.C. §241 (a)(3) states:

through 2023, and reporting more than 40,000 competitive grant awards in 2022 and 2023).

¹⁸⁴ NIH, *Mission and Goals*, <https://www.nih.gov/about-nih/what-we-do/mission-goals>.

[The Secretary may] make grants-in-aid to universities, hospitals, laboratories, and other public or private institutions, and to individuals for such research projects as are recommended by the advisory council to the entity of the Department [of Health and Human Services] supporting such projects and make, upon recommendation of the advisory council to the appropriate entity of the Department, grants-in-aid to public or nonprofit universities, hospitals, laboratories, and other institutions for the general support of their research.

502. Section 284 of the PHSA imposes similar responsibilities and confers similar authority on the directors of NIH's institutes and centers. Among other things, each director "shall encourage and support research, investigations, experiments, demonstrations, and studies in the health sciences[,"] 42 U.S.C. § 284(b)(1)(A), and, to that end, "may make grants and cooperative agreements . . . for research, training, or demonstrations[.]" *id.* §284(b)(2)(A). *See also* 42 U.S.C. § 282 (similar, for the NIH director).

503. Other sections of the PHSA provide more specific directives to each of NIH's constituent institutes and centers, detailing the ICs' general purposes and establishing initiatives and programs within each of them. *Cf.* 42 U.S.C. §284(b)(1)(A) (providing that, in carrying out the purposes of section 301 of the PHSA, the Secretary, acting through the Director of each research institute within NIH, "shall encourage and support research, investigations, experiments, demonstrations, and studies in the health sciences" with respect to the human disease or disorder or other aspects of human health for which the national research institutes were established). Some of these statutory provisions are directly at odds with the "policy priorities" Defendants HHS, Kennedy, NIH, and Bhattacharya now invoke to terminate plaintiffs' NIH grants.

504. In addition to the above statutory directives, Congress also established a public process to identify the research priorities of NIH and its institutes and centers. Every six years, the NIH director must "develop and submit to the appropriate committees of Congress and post on the [NIH's website] a coordinated strategy (to be known as the 'National Institutes of Health Strategic Plan') to provide direction to the biomedical research investments made by the National Institutes of Health, to facilitate collaboration across the institutes and centers, to leverage scientific opportunity, and to advance biomedicine." 42

1 U.S.C. § 282(m)(1). Each of NIH's institutes and centers similarly develops and promulgates
 2 a strategic plan that publicly articulates its research priorities. *Id.* § 282(m)(3).

3 505. NIH has previously followed Congress's direction and publicized its
 4 research priorities. In September 2019, the NIH director began the process of updating the
 5 agency's priorities in biomedical and behavioral research areas, research capacity, and
 6 research conduct. Between October 2019 and July 2020, NIH gathered feedback from its
 7 institutes and centers, their advisory councils, external stakeholders, and the general public.
 8 The Strategic Plan published in 2020 stated that, among other things, NIH would prioritize
 9 "improving minority health and reducing health disparities; enhancing women's health;
 10 addressing public health challenges across the lifespan; promoting collaborative science; and
 11 leveraging data science for biomedical discovery."¹⁸⁵ Similarly, the plan stated that NIH
 12 "supports a comprehensive spectrum of immunology and infectious disease research focused
 13 on developing improved or novel vaccines. [] including the rapid development of new
 14 vaccines to mitigate emerging infectious disease outbreaks, such as COVID-19, Ebola virus
 15 disease (EVD), and influenza (flu)."¹⁸⁶

16 506. Most of NIH's funding comes from annual discretionary appropriations
 17 from Congress.¹⁸⁷ For years, Congress has made appropriations for NIH research with this
 18 statutory and regulatory framework in mind and generally has appropriated specific amounts
 19 to each of NIH's institutes and centers to carry out the purposes set forth in the authorizing
 20 statutory provisions described above.¹⁸⁸

21 ¹⁸⁵ NIH, *NIH-Wide Strategic Plan, Fiscal Years 2021-2025* at 3 (2020),
 22 <https://www.nih.gov/sites/default/files/2025-01/strategic-plan-fy2021-2025.pdf>.

23 ¹⁸⁶ *Id.* at 8.

24 ¹⁸⁷ Some of NIH's funding is from mandatory funding sources or available due to specific transfer
 25 or budgetary rules, but the "vast majority" comes from annual discretionary Congressional
 26 appropriations. *National Institutes of Health Funding: FY1996-FY2025*, Cong. Research Serv.
 27 Rep. (June 25, 2024), <https://www.congress.gov/crs-product/R43341>.

28 ¹⁸⁸ See, e.g., Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, div. H, tit. II, 136 Stat. 4459, 4861-4865; Consolidated Appropriations Act, 2022, Pub. L. No. 117-103, div. H, tit. II, 136 Stat. 49, 448-452; Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, div. H, tit. II, 134 Stat. 1182, 1573-1577; Further Consolidated Appropriations Act, 2020, Pub. L. No. 116-94, div. A, tit. II, 133 Stat. 2534, 2562-2565; Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019, Pub. L. No. 115-245, div. B, tit. II, 132 Stat. 2981, 3074-3076; Consolidated

1 507. In recent years, Congress has specifically rejected efforts to
 2 significantly cut NIH's funding. For example, in 2017, as part of its fiscal year 2018 budget
 3 proposal, the first Trump Administration sought to reduce NIH annualized spending by \$5.8
 4 billion, to \$25.9 billion.¹⁸⁹ The proposal's primary method of achieving these cuts was by
 5 slashing the "indirect cost rate" for NIH grants, capping it at 10% across the board. This
 6 proposal drew bipartisan criticism. The Senate Appropriations Committee reported that the
 7 proposal would "radically change the nature of the Federal Government's relationship with
 8 the research community," would "abandon[]" the Government's "long-established
 9 responsibility" for research infrastructure, and would jeopardize "biomedical research
 10 nationwide." S. Rep. No. 115-150, at 109 (2017). To avoid this possibility, Congress enacted
 11 statutory language (which it has readopted in every subsequent appropriations measure)
 12 barring NIH or any other agency from restructuring or modifying the existing approach to
 13 indirect costs. *See Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, div. H, §226,*
 14 132 Stat. 348, 740. And ultimately, rather than enacting the Administration's proposal of
 15 cutting NIH funding to \$25.9 billion, Congress's all-in appropriation to NIH for fiscal year
 16 2018 was \$37.3 billion—higher than the prior fiscal year's appropriation.¹⁹⁰

17 508. In subsequent budget proposals, the Administration generally sought to
 18 increase, not decrease, NIH's funding. Its Fiscal Year 2020 budget proposal touted the
 19 Administration's prioritization of "critical health research" and proposed a \$33 billion
 20 appropriation to NIH—about \$6 billion higher than its 2017 proposal.¹⁹¹ Similarly, the Fiscal
 21 Year 2021 budget reiterated the Administration's commitment to prioritizing "critical health

22
 23 Appropriations Act, 2018, Pub. L. No. 115-141, div. H, tit. II, 132 Stat. 348, 720-723;
 24 Consolidated Appropriations Act, 2017, Pub. L. No. 115-31, div. H, tit. II, 131 Stat. 135, 524-
 25 526; *see also, e.g.*, Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, div. G, tit. II,
 121 Stat. 1844, 2173-2177.

26 ¹⁸⁹ See Off. of Mgmt. & Budget, *Major Savings and Reforms: Budget of the U.S. Government*
Fiscal Year 2018, at 43 (2017), <https://bit.ly/OMBFY18>.

27 ¹⁹⁰ NIH, *History of Congressional Appropriations, Fiscal Years 2010-2019*, at 1,
<https://bit.ly/42p9Lya>.

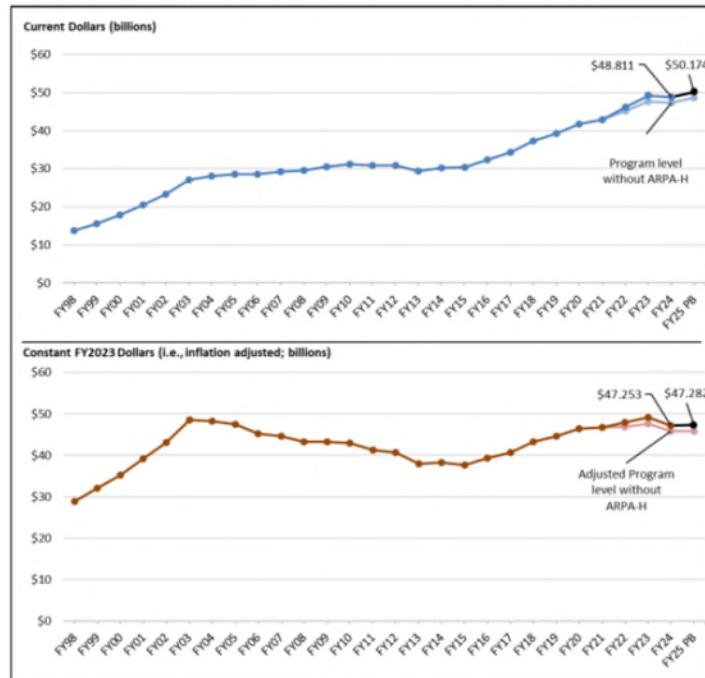
28 ¹⁹¹ Off. of Mgmt. & Budget, *A Budget for a Better America, Budget of the U.S. Gov't, Fiscal Year*
2020, at 46, <https://bit.ly/OMBFY20>.

research" and "support[ing] innovation," and proposed providing \$38 billion to NIH.¹⁹² Ultimately, Congress appropriated even more funds to NIH than the Administration requested for fiscal year 2021: about \$42.9 billion.¹⁹³

509. Overall, from Fiscal Years 2017 through 2023, NIH funding increased annually, which is consistent with NIH's stable, and generally increasing, funding for more than 20 years:¹⁹⁴

Figure 1. NIH Funding, FY1998-FY2025 Request

Program Level Funding in Current and Projected Constant (FY2023) Dollars.



510. Congress's appropriations to NIH for Fiscal Year 2024 were no different. Consistent with past appropriations for NIH activities, the Further Consolidated Appropriations Act of 2024 (2024 CAA) appropriates to each of NIH's Institutes and Centers specific amounts "for carrying out section 301 and title IV of the [Public Health Service] Act" with respect to their specific, respective statutory purposes. Pub. L. 118-47, div. D, tit. II, 138 Stat. 460, 656-657. For example, the 2024 CAA appropriates \$7,224,159,000 to the National

¹⁹² Off. of Mgmt. & Budget, *A Budget for America's Future, Fiscal Year 2021*, at 52, <https://bit.ly/OMBFY2021>.

¹⁹³ NIH, *Supplementary Appropriation Data Table for History of Congressional Appropriations, Fiscal Years 2020-2025*, at 1, <https://bit.ly/42dM1M4>.

¹⁹⁴ *National Institutes of Health Funding: FY1996-FY2025*, Cong. Research Serv. Rep. (June 25, 2024), <https://www.congress.gov/crs-product/R43341>.

1 Cancer Institute “for carrying out section 301 and title IV of the [PHSA] with respect to
 2 cancer”; \$3,982,345,000 to the National Heart, Lung, and Blood Institute to carry out the
 3 same statutory purposes “with respect to cardiovascular, lung, and blood diseases, and blood
 4 and blood products”; and \$2,603,925,000 to the National Institute for Neurological Disorders
 5 and Stroke to carry out the same statutory purposes “with respect to neurological disorders
 6 and stroke.” *Id.*

7 511. Congress has not enacted a Consolidated Appropriations Act for Fiscal
 8 Year 2025, but on March 15, 2025, the President signed the Full-Year Continuing
 9 Appropriations and Extensions Act, 2025, commonly known as a “Continuing Resolution” or
 10 “CR” (2025 CR). Pub. L. 119-4, 139 Stat. 9. Pursuant to the 2025 CR, Congress appropriated
 11 “[s]uch amounts as may be necessary . . . under the authority and conditions provided in
 12 applicable appropriations Acts for fiscal year 2024, for projects or activities . . . that are not
 13 otherwise specifically provided for, and for which appropriations, funds, or other authority
 14 were made available” in the specific appropriations Acts. *Id.*, div. A, §1101(a), 139 Stat. at
 15 11. Congress made limited changes in the 2025 CR with respect to the appropriation to NIH,
 16 including rescission of a portion of NIH funding (\$221,000,000 of a \$1.25 billion
 17 appropriation) previously appropriated to the “NIH Innovation Account, CURES Act,” which
 18 is separate from Congress’s discretionary appropriations to NIH’s Institutes and Centers. *Id.*,
 19 div. A, §1905, 139 Stat. at 32.¹⁹⁵ Otherwise, Congress did not rescind any amounts
 20 appropriated to NIH’s institutes or centers and maintained the same level of funding as set
 21 forth in the 2024 CAA, through September 30, 2025. *See id.*, div. A, §1101(a)(8), 139 Stat. at
 22 11.

23

24

25

¹⁹⁵ Appropriations to the account created by the Cures Act are, “[i]n effect,” “not subject to discretionary spending limits.” *Nat’l Insts. of Health Funding: FY1996-FY2025*, Cong. Research Serv. Rep. (June 25, 2024), <https://www.congress.gov/crs-product/R43341>. Funds may be transferred from the Cures Act account to other NIH accounts “only for the purposes specified in the Cures Act.” *Id.* Congress exempted from any rescission amounts previously designated by Congress as for an “emergency requirement” under the Balanced Budget and Emergency Deficit Control Act of 1985. 2025 CR, div. A, §1101(a)(8), 139 Stat. at 11

1 512. NIH generally awards extramural grants through a competitive process.
 2 At any given time, NIH has over a thousand active funding opportunities supporting a broad
 3 range of programs.

4 513. The Department of Health and Human Services has promulgated
 5 regulations at 45 C.F.R. Part 75, governing the award of grants by HHS and its agencies,
 6 including NIH. This includes 45 C.F.R. §52.6(c), which allows HHS to notice a grant award
 7 for a “project period,” during which HHS intends to support the project “without requiring the
 8 project to recompete for funds.”

9 514. NIH uses three-character “activity codes” to group and classify these
 10 funding opportunities, with the first character typically identifying the major funding category
 11 or program type. “For example, activity codes for research and development often start with
 12 ‘R,’ training with ‘T,’ fellowship with ‘F,’ and career development with ‘K.’¹⁹⁶ The “R01”
 13 code, for example, denotes grants “[t]o support a discrete, specified, circumscribed project to
 14 be performed by the named investigator(s) in an area representing his or her specific interest
 15 and competencies.” *Id.*

16 515. The NIH competitive grantmaking process begins with a notice of
 17 funding opportunity (“NOFO”), a public announcement in which NIH declares its intention to
 18 award funds and outlines the program goals and objectives and conditions for applying. *See*
 19 U.S. Dep’t of Health & Hum. Servs. *NIH Grants Policy Statement*, §2.3.5, at I-51 (Apr. 2024)
 20 (“NIHGPS”), <https://grants.nih.gov/grants/policy/nihgps/nihgps.pdf>.

21 516. A researcher interested in responding to a NOFO will typically work
 22 with the “sponsored research” department at his or her institution to understand what NIH
 23 requires in its application submission. At the University of California Berkeley, for example,
 24 the Sponsored Projects Office assists faculty and staff in locating sources of funding,
 25 reviewing and approving proposals, and negotiating grants and contracts.

26
 27
 28

¹⁹⁶ NIH, *Activity Codes* (March 28, 2025), <https://grants.nih.gov/funding/activity-codes>; see NIH,
Funding Categories, (Feb. 3, 2025), <https://grants.nih.gov/funding/funding-categories>.

1 517. Once a researcher develops a project proposal, that person then submits
 2 an electronic grant application to NIH. Applications must conform to 45 C.F.R. Part 75, and
 3 must include a detailed research plan outlining the study's objectives, methodology, and
 4 significance; a proposed budget and justification; biosketches for key investigators; and any
 5 necessary compliance documentation, such as Institutional Review Board approval for human
 6 subject research.

7 518. A submitted grant application undergoes two layers of evaluation: an
 8 initial layer of review by a “scientific review group” (also known as a “study section”),
 9 followed by a round of review by an “advisory council.” *See* 42 U.S.C. §§284a, 289a; *see also*
 10 NIHGPS §2.4, at I-71 (“The peer review system used by NIH, often referred to as the ‘dual
 11 review system,’ is based on two sequential levels of review for each application—initial
 12 review by [a study section], and a second level of review for scientific merit by the IC
 13 National Advisory Council/Board.”). According to NIH, this process “is intended to ensure
 14 that applications for funding submitted to NIH are evaluated on the basis of a process that is
 15 fair, equitable, timely, and conducted in a manner that strives to eliminate bias.” NIHGPS
 16 §2.4, at I-71.

17 519. As noted, the first level of application review is carried out by a study
 18 section. The role of study sections is to assess applications’ scientific merit and to determine
 19 the overall impact that proposed projects will likely have on the relevant field. Governing
 20 statutes and regulations require this layer of review—*i.e.*, a favorable study-section
 21 recommendation is a prerequisite to a final award of any NIH grant. *See* 42 U.S.C. §§
 22 284(b)(2)(B), 289a(a); 42 C.F.R. pt. 52h.

23 520. These groups consist primarily of non-federal scientists who have
 24 expertise in relevant scientific disciplines and current research areas. 42 C.F.R. § 52h.4. NIH
 25 has hundreds of study sections, organized by specialty. In the field of chronic HIV infection,
 26 for example, NIH maintains study sections on (1) HIV Coinfections and HIV Associated
 27 Cancers, (2) HIV Comorbidities and Clinical, (3) HIV/AIDS Intra- and Inter-personal
 28 Determinants and Behavioral Interventions, (4) HIV Immunopathogenesis and Vaccine

1 Development, (5) HIV molecular virology, cell biology, and drug development, and (6)
 2 Population and Public Health Approaches to HIV/AIDS.

3 521. Study sections carry out their work, including review of pending
 4 applications, at regularly scheduled meetings. These meetings must be noticed in advance in
 5 the Federal Register. *See* 42 C.F.R. § 52h.3 (“To the extent applicable, the Federal Advisory
 6 Committee Act, as amended . . . shall govern the establishment and operation of peer review
 7 groups.”); 5 U.S.C. §1009(a)(2) (“[T]imely notice of each meeting [subject to the Federal
 8 Advisory Committee Act] shall be published in the Federal Register . . .”).

9 522. Study sections review and score each grant application according to
 10 established criteria set forth in regulations and the NOFO. In particular, the study section
 11 assesses the overall impact that the project could have on the research field involved, taking
 12 into account:

- 13 a. The significance of the goals of the proposed research, from a scientific or
 technical standpoint;
- 14 b. The adequacy of the approach and methodology proposed to carry out the
 research;
- 15 c. The innovativeness and originality of the proposed research;
- 16 d. The qualifications and experience of the principal investigator and
 proposed staff;
- 17 e. The scientific environment and reasonable availability of resources
 necessary to the research;
- 18 f. The adequacy of plans to include both genders, minorities, children and
 special populations as appropriate for the scientific goals of the research;
- 19 g. The reasonableness of the proposed budget and duration in relation to the
 proposed research; and
- 20 h. The adequacy of the proposed protection for humans, animals, and the
 environment, to the extent they may be adversely affected by the project
 proposed in the application.

21 42 C.F.R. §52h.8; *see also* 42 C.F.R. §52a.5 (describing review criteria for NIH research center
 22 grants); 42 C.F.R. §52h.11 (describing review criteria for NIH research contracts).

1 523. As a result of that review, each grant application receives an “overall
 2 impact score” from 10 (the best score, denoting high impact) to 90 (the worst score, denoting
 3 low impact). Each application also receives a percentile rank expressing the impact score in
 4 relation to other applications in that particular institute. Projects deemed “unfundable” by the
 5 study section are not given a score and are removed from further consideration.

6 524. Each fiscal year, NIH’s institutes and centers publish guidance called
 7 “paylines” to help applicants interpret their study-section results. These paylines reflect a sort
 8 of cutoff: for each category of grants, the payline shows the impact score (or percentile) above
 9 which a project is highly likely to be funded. In Fiscal Year 2025, for example, published
 10 guidance from the National Institute of Allergy and Infectious Diseases (“NIAID”)
 11 established a 16th-percentile payline for “R01” awards with new or early-stage principal
 12 investigators.¹⁹⁷ In other words, an applicant in that category who received a score from the
 13 relevant study section within the 12th percentile could anticipate that NIAID would likely
 14 fund his or her project. Study-section scores that meet or exceed the payline in this way are
 15 commonly referred to as “fundable” scores.

16 525. In addition to providing scores and percentiles, study sections also
 17 provide each applicant with a “summary statement” that contains, among other things, a brief
 18 summary of the study section’s discussion, bulleted critiques from assigned reviewers, and
 19 any administrative comments. Applicants can use these summary statements to revise
 20 applications and address concerns, if necessary.

21 526. As noted, the second level of application review is carried out by an
 22 advisory council. Unlike the numerous study sections, each NIH institute or center that funds
 23 grants has a single advisory council (*i.e.*, there is one advisory council for NIAID, one for the
 24 National Cancer Institute, and so on). By statute, NIH advisory councils must meet at least
 25 three times per fiscal year. 42 U.S.C. §284a(e). Like study section meetings, advisory council
 26
 27

28 ¹⁹⁷ NIH, *NIAID Paylines* (May 15, 2025), <https://www.niaid.nih.gov/grants-contracts/niaid-paylines>.

1 meetings must be noticed in advance in the Federal Register. *See* 41 C.F.R. §102-3.150
 2 (requiring 15 days' notice).

3 527. Whereas a study section's review focuses on scientific merit, an
 4 advisory council's review weighs programmatic and institute-wide considerations. A council
 5 considers, among other things, the extent to which an application aligns with the institute or
 6 center's priorities, public health needs, and overall funding availability. The council also
 7 reviews the application for other potential barriers, such as ethical issues around human or
 8 animal test subjects.

9 528. An advisory council makes one of three decisions on each application:
 10 an application is recommended for funding, not recommended for funding, or deferred for re-
 11 view by the study section. A favorable recommendation from the relevant institute's
 12 advisory council is a prerequisite to final award of any grant in excess of \$50,000. 42 U.S.C. §
 13 284(b)(2); *see also* §284a(a)(3)(A)(ii).

14 529. The advisory council makes funding recommendations to the institute
 15 or center director, who ultimately makes the funding decision. In making that decision, the
 16 institute or center director shall consider, consistent with the peer-review process: (i) the
 17 mission of the national research institute or national center and the scientific priorities
 18 identified in the institute or center's strategic plan; (ii) programs or projects funded by other
 19 agencies on similar research topics; and (iii) advice by staff and the advisory council or board
 20 of such national research institute or national center. 42 U.S.C. § 284(b)(3).

21 530. If the decision is in favor of funding, NIH issues a legally binding
 22 Notice of Award ("NoA") to the selected grant recipients stating that funds may be requested.
 23 NIHGPS §5, at IIA-59.

24 531. NIH typically does not issue grants as lump-sum awards. Instead, NIH
 25 uses a cost-based accounting system, under which grant recipients are authorized to recover
 26 their actual, documented costs for conducting research after the grant is awarded. Institutions
 27 can then use awards—and indeed, rely on those awards—to obtain a line or letter of credit for
 28 the procurement of the resources needed for the project.

1 532. If NIH approves a project with a multi-year period, the agency typically
 2 awards the grant for the first year (the “award year”) at the outset, with funding for
 3 subsequent years (the “out years”) subject to a renewal process. In these “noncompetitive”
 4 renewals, the application does not undergo a fresh round of peer review—instead, applicants
 5 submit progress reports demonstrating that the grantee is making progress and complying
 6 with applicable policies and practices. *See* 42 C.F.R. § 52a.6. So long as grantees demonstrate
 7 progress and compliance with applicable policies and practices, noncompetitive renewals are
 8 approved as a matter of course.

9 533. NIH’s application and award process follows a predictable calendar
 10

11 **Review and Award Cycles**

	Cycle I	Cycle II	Cycle III
Application Due Dates	January 25 - May 7	May 25 - September 7	September 25 - January 7
Scientific Merit Review	June - July	October - November	February - March
Advisory Council Round	August or October *	January	May
Earliest Project Start Date	September or December *	April	July

16 each year that is posted in advance. The agency has three standard application cycles per year,
 17 with published schedules identifying application due dates, the timing of study section and
 18 advisory council review, and the earliest permissible start date for the project. As reflected on
 19 the agency’s website,¹⁹⁸ the current triannual schedule is as follows:

20 **2. In Response to Trump Administration Directives, HHS Through NIH**
 21 **Improperly Changed Priorities and Canceled Existing Grants**

22 534. The foregoing paragraphs describe NIH as it existed and functioned
 23 through the decades, from its original founding until January 20, 2025.

24 535. HHS is now facing an existential threat: the Trump Administration has
 25 negated the HHS’s core grant-making function by unilaterally, arbitrarily and illegally
 26 terminating billions of dollars in lawfully awarded research grants that the Administration
 27 views (often mistakenly) as having some connection to diversity, equity and inclusion (most

28 ¹⁹⁸ HHS, *HHS Announces Transformation to Make America Healthy Again*, (Mar. 27, 2025),
<https://www.hhs.gov/press-room/hhs-restructuring-doge.html>.

1 broadly defined), as well as other subjects the Trump Administration dislikes, such as climate
 2 change, vaccines, HIV/AIDS, and COVID-19.

3 536. HHS has been explicit about its adherence to Trump's and DOGE's
 4 orders. HHS announced on March 27, 2025 that it would begin "restructuring in accordance
 5 with President Trump's Executive Order" creating DOGE.¹⁹⁹ DOGE operatives have
 6 personally directed top NIH officials to terminate "hundreds" of grants, and the "Defend the
 7 Spend" collaboration between DOGE and HHS has frozen thousands of grants.²⁰⁰

8 537. On February 10, Acting Secretary of Health and Human Services
 9 Dorothy Fink issued a new memorandum implementing the President's Executive Orders
 10 related to DEI. That memorandum "DIRECT[ED]" all HHS personnel, including NIH, to
 11 "pause all payments made to . . . grantees related to DEI and similar programs for internal
 12 review for payment integrity. . . . [I]f after review, the Department has determined that a
 13 contract is inconsistent with Department priorities and no longer in the interest of government
 14 . . . grants may be terminated in accordance with federal law."²⁰¹

15 538. Beginning no later than the second week of February, HHS developed a
 16 policy that required the termination of grants related to specific categories of research that
 17 were disfavored as a matter of Administration policy. These categories originally focused on
 18 "DEI-related" projects, but have evolved to include other disfavored categories, including
 19 projects related to gender identity, vaccine hesitancy, and COVID-19.

20 539. On February 10, 2025, Acting Secretary Fink issued a "Secretarial
 21 Directive on DEI-Related Funding," which stated:

22 The Department of Health and Human Services has an obligation to ensure that
 23 taxpayer dollars are used to advance the best interests of the government. This
 24 includes avoiding the expenditure of federal funds on programs, or with

25 ¹⁹⁹ Chris Wright, *Unleashing the Golden Era of American Energy Dominance*, U.S. Dep't of
 26 Energy (Feb. 5, 2025), <https://www.energy.gov/articles/secretary-wright-acts-unleash-golden-era-american-energy-dominance>.

27 ²⁰⁰ Dan Diamond, et al., *DOGE, Trump Grants, HHS NIH Backlog*, Washington Post (Apr. 17,
 28 2025), <https://www.washingtonpost.com/politics/2025/04/17/doge-trump-grants-hhs-nih-backlog/>.

²⁰¹ See District of Massachusetts' Findings of Fact, Rulings of Law, and Order For Partial Separate and Final Judgment in *Massachusetts v. Kennedy*, 25-10814-WGY (Dkt. 163).

1 contractors or vendors, that promote or take part in diversity, equity, and inclusion
 2 (“DEI”) initiatives or any other initiatives that discriminate on the basis of race,
 3 color, religion, sex, national origin, or another protected characteristic. Contracts
 4 and grants that support DEI and similar discriminatory programs can violate
 Federal civil rights law and are inconsistent with the Department’s policy of
 improving the health and well-being of all Americans.

5 The directive went on to state:

6 For these reasons, pursuant to, among other authorities, FAR 12.403(b) and
 7 49.101 and 45 C.F.R. §75.371- 372, the Secretary of Health and Human
 Services hereby DIRECTS as follows:

8 Agency personnel shall briefly pause all payments made to contractors,
 9 vendors, and grantees related to DEI and similar programs for internal review
 10 for payment integrity. Such review shall include but not be limited to a
 11 review for fraud, waste, abuse, and a review of the overall contracts and
 12 grants to determine whether those contracts or grants are in the best interest of
 13 the government and consistent with current policy priorities. In addition, if
 after review the Department has determined that a contract is inconsistent
 with Department priorities and no longer in the interest of the government,
 such contracts may be terminated pursuant to the Department’s authority to
 terminate for convenience contracts that are not “in the best interests of the
 Government,” see FAR 49.101(b); 12.403(b). Furthermore, grants may be
 terminated in accordance with federal law.

14 The February 10 directive did not define the term “related to DEI and similar programs.”

15 540. On February 12, Mike Lauer, then NIH’s Deputy Director for
 16 Extramural Research, sent a memo directing that “given recent court orders” in federal court
 17 actions related to funding freezes, NIH institutes and centers were “authorized, along with
 18 their respective grant management staff, to proceed with issuing awards for all competing,
 19 non-competing continuation, and administrative supplements . . . grants.”

20 541. On February 13, Mr. Lauer instructed Chief Grants Management
 21 Officers that “[i]f the sole purpose of the grant . . . supports DEI activities, then the award
 22 must be fully restricted.” It also called for “hard funding restrictions” where the program
 23 promotes initiatives that “discriminate” on the basis of race, sex, or other protected
 24 characteristics, without defining what constituted such discrimination in a research program.
 25 That day, Mr. Lauer resigned from his position with NIH. On information and belief, Mr.
 26 Lauer was forced out because of his memorandum the previous day.

27 542. On or about March 4, NIH issued an updated guidance on “Award
 28 Assessments for Alignment with Agency Priorities.” It provided staff with the language that

1 terminations must include when a grant is terminated for relation to China, DEI, or
 2 “[t]ransgender issues.”

3 543. The March 4 guidance also provided that “diversity supplements”
 4 would be canceled and not issued going forward. Diversity Supplements are grants meant to
 5 increase diversity in the scientific profession by providing training, mentorship and career
 6 development opportunities to individuals from underrepresented populations. In recent notices
 7 of funding opportunity, NIH has defined diversity broadly, to include not only “[i]ndividuals
 8 from racial and ethnic groups that have been shown by the [National Science Foundation] to
 9 be underrepresented in health-related sciences on a national basis,” but also “[i]ndividuals
 10 with disabilities,” and “[i]ndividuals from disadvantaged backgrounds,” including those who
 11 have experienced homelessness, who were in foster care, who experienced poverty, or who
 12 are from rural areas.²⁰²

13 544. By March 13, the list of scientific research disfavored by the
 14 Administration had grown to include yet another topic—vaccine hesitancy—and NIH’s
 15 termination of awarded grants grew dramatically. On March 13, 2025, Michelle Bulls, NIH’s
 16 Chief Grants Management Officer, instructed the individual institutes on how to issue
 17 termination letters, and on what bases. Ms. Bulls instructed that termination letters should
 18 include the following language: “It is the policy of NIH not to prioritize [insert termination
 19 category language]. Therefore, this project is terminated.” The termination category language
 20 that Ms. Bulls provided included terminations for a program’s relation to DEI, gender, and
 21 vaccine hesitancy. Hundreds of NIH grants were terminated in the ensuing days.²⁰³

22 545. On information and belief, on or before March 19, 2025, the Office of
 23 Extramural Research and the Office of Policy for Extramural Research Administration
 24 provided additional guidance on how ICs should process grant terminations and communicate
 25 with grant recipients regarding such terminations. Included in these instructions was the

27 ²⁰² NIH, PA-20-222: *Research Supplements to Promote Diversity in Health-Related Research*, ,
<https://grants.nih.gov/grants/guide/pa-files/pa-20-222.html>.

28 ²⁰³ U.S. Dep’t of Health & Human Servs., *HHS Grants Terminated* (Aug. 22, 2025),
https://taggs.hhs.gov/Content/Data/HHS_Grants_Terminated.pdf.

1 instruction to speak only of “changes in NIH and/or HHS priorities” and an instruction to “not
 2 refer to any Executive Orders.”

3 546. On March 25, 2025, NIH again distributed updated guidance on grant
 4 terminations—yet again expanding the list of politically disfavored subject matters. The
 5 language for grant terminations continued to include language on DEI, transgender issues, and
 6 vaccine hesitancy, but now included yet another topic—COVID-19. As to COVID, the
 7 guidance stated that: “The end of the pandemic provides cause to terminate COVID-related
 8 grant funds. These grant funds were issued for a limited purpose: to ameliorate the effects of
 9 the pandemic. Now that the pandemic is over, the grant funds are no longer necessary.”

10 547. By May, HHS’s database of grant terminations revealed that it had
 11 terminated 104 grants to UC recipients.²⁰⁴ A study published on May 8, 2025 identified UCSF
 12 as being particularly hard-hit by HHS grant terminations.²⁰⁵

13 548. On June 23, HHS and NIH were ordered in *National Institutes of*
 14 *Health v. American Public Health Association*, No. 25-cv-10787 (D. Mass. June 23, 2025)
 15 and *Massachusetts v. Kennedy*, No. 25-cv-10814 (D. Mass. June 23, 2025) to restore NIH
 16 grants that had been terminated. HHS and NIH subsequently began restore certain NIH grants
 17 listed in those actions.

18 549. On July 31, 2025, HHS and NIH engaged in a new round of mass grant
 19 terminations against UC researchers at the University of California, Los Angeles (“UCLA”).
 20 In this new action, via a single form letter and styled as a “suspension” by the agencies, HHS
 21 and NIH terminated close to 500 NIH grants to UC researchers.

22 550. In a July 31, 2025 letter to the Chancellor of UCLA, NIH stated that it
 23 was “suspending” grants to UCLA for the following three reasons:

24
 25 ²⁰⁴ U.S. Dep’t of Health & Human Servs., *HHS Grants Terminated* (Aug. 22, 2025),
https://taggs.hhs.gov/Content/Data/HHS_Grants_Terminated.pdf.

26 ²⁰⁵ Michael Liu et al., *Characterization of Research Grant Terminations at the National*
Institutes of Health, JAMA Network (May 8, 2025),
https://jamanetwork.com/journals/jama/fullarticle/2833880?guestAccessKey=3a432109-6c9d-4ef2-9d10-bf48d91fe441&utm_source=for_the_media&utm_medium=referral&utm_campaign=ftm_links&utm_content=tfl&utm_term=050825.

- 1 a. “UCLA engages in racism, in the form of illegal affirmative action;”
- 2 b. “UCLA fails to promote a research environment free of antisemitism and
- 3 bias;”
- 4 c. “UCLA discriminates against and endangers women by allowing men in
- 5 women’s sports and private women-only spaces.”

6 551. By terminating grants to UC researchers at the direction of the
 7 President and DOGE, HHS has violated its congressional mandates. Such mandates include,
 8 for example, compliance with and effectuation of the legislative purposes implicit in
 9 congressional appropriations; spending required by 42 U.S.C. § 241; and directives to HHS
 10 subunits.

11 552. HHS’s mass grant terminations have caused serious harm to UC
 12 researchers, including those who received grants through HHS’s subunits: NIH, the Centers
 13 for Disease Control (CDC), and the Food and Drug Administration (FDA).

14 553. The CDC has terminated at least one grant awarded to a UC Berkeley
 15 Biostatistician/Epidemiologist for a project titled “Strengthening California’s Public Health
 16 Workforce to Improve Decision Making and Health Equity Through Advanced Training and
 17 Academic Partnership.”

18 554. On information and belief, HHS and its subunits have effectuated mass
 19 terminations of grants to UC researchers without proper review or clear explanation, thereby
 20 acting unconstitutionally and unlawfully.

21 3. **NIH Plaintiffs and Other Grant Recipients Are Harmed by NIH’s**
Illegal Grant Terminations.

22 555. Plaintiffs and Class members have long relied on NIH grants to fund
 23 meritorious projects aimed at advancing public health and well-being. The termination of
 24 previously approved grants has caused and continues to cause Plaintiff and Class members
 25 serious harm.

26

27

28

1 a. **Plaintiff Marcus A. Horwitz's Grant Termination and**
 2 **Resulting Harm**

3 556. Dr. Marcus A. Horwitz is a Distinguished Professor of Medicine and
 4 Microbiology, Immunology, and Molecular Genetics at the University of California, Los
 5 Angeles (UCLA). He researches the immunobiology of various diseases, including
 6 tuberculosis, and develops treatment regimens, vaccines, and antibiotics to combat them.
 7 Additionally, he currently serves as a fellow in the Infectious Diseases Society of America
 8 and is a member of the American Society for Clinical Investigation.

9 557. Dr. Horwitz's research focuses on (1) the immunobiology of the
 10 disease components of Legionnaires' disease, leprosy, tuberculosis, and tularemia; (2)
 11 developing vaccines against those diseases; and (3) developing an ultra-short drug treatment
 12 regimen for treating tuberculosis. In recognition of his accomplishments, he was awarded the
 13 Oswald Avery (formerly Squibb) award for the Infectious Diseases Society of America and
 14 was elected to a Fellowship in the American Association for the Advancement of Science.

15 558. Dr. Horwitz's research has been funded by research grants from
 16 governmental and private sources, including 34 research grants from NIH.

17 **NIH TB Vaccine Grant Application and Award**

18 559. Dr. Horwitz submitted a grant application to NIH as a Principal
 19 Investigator for a project titled "Optimization and Advanced Proof-of-Concept Studies of a
 20 Listeria-vectored Multi-Antigenic Vaccine against Tuberculosis" (hereafter, the "TB Vaccine
 21 Project"). The grant project addressed the potential to develop a safer and more effective
 22 vaccine and booster vaccine against tuberculosis. The purpose of the project was to optimize
 23 and conduct advanced proof-of-concept studies in small animals and non-human primates of a
 24 second generation vaccine against tuberculosis.

25 560. On November 29, 2017, NIH issued a Notice of Award and the Grant
 26 Agreement. The Notice of Award authorized funding for five years of work on the
 27 Tuberculosis Vaccine Project, from December of 2017 through November of 2022, for a total
 28 award of \$5,424,173.

1 561. NIH issued further Notices of Award for the Tuberculosis Vaccine
 2 Project, authorizing continued funding in November 2018, December 2019, and November
 3 2020. The project's work with primates was delayed during COVID-19, so the project
 4 received three No-Cost Time Extensions. The Project's end date was revised to November 30,
 5 2025.

6 NIH Termination of TB Vaccine Grant Award

7 562. On August 1, 2025, Dr. Horwitz received an email from UCLA's
 8 Office of Contract and Grant Administration instructing him to stop work on the Tuberculosis
 9 Vaccine Project as a result of NIH's July 31 grant suspension action against UCLA. The
 10 suspension of the project suspended approximately \$143,594 in unfunded award still
 11 outstanding to complete the Tuberculosis Vaccine Project's work.

12 563. As a result of this unilateral, unlawful termination, Dr. Horwitz has
 13 been unable to uncover the extent to which the vaccine worked. Despite having completed the
 14 live-animal component of the final definitive proof-of-concept vaccine study in non-human
 15 primates, Dr. Horwitz is unable to proceed with analyzing the results of the study to determine
 16 the correlation of vaccine function.

17 564. Without completing his analysis of the study results, Dr. Horwitz is
 18 prevented from engaging in the next phase of his TB vaccine research: taking the vaccine into
 19 clinical trials. Dr. Horwitz's inability to do so impacts his career and substantially delays the
 20 development of a potent tuberculosis vaccine for which the primary purpose is to boost the
 21 immunity of the approximately 5 billion people in the world previously vaccinated with the
 22 previous vaccine and in whom most tuberculosis cases in the world develop.

23 565. The project team's inability to complete the work and publish it also
 24 hinders the career of a project scientist in Dr. Horwitz's laboratory who developed the vaccine
 25 and the careers of their collaborators at the Texas Biomedical Research Institute.

26 NIH Latent TB Treatment Grant Application and Award

27 566. Dr. Horwitz submitted a grant application to the NIH as a Principal
 28 Investigator for the project titled "Efficacy and Safety of AI-enabled PRS Regimen VI

1 (Clofazimine, Bedaquiline and Pyrazinamide) as Ultra-Short Course Therapy of LTBI in
 2 Non-Human Primates in a Setting Mimicking HIV co-infection” (hereafter, the “Latent TB
 3 Treatment Project”).

4 567. The project’s goal was to examine a short-term three-drug treatment
 5 regimen for latent tuberculosis infection (“LBTI”), leveraging artificial intelligence platforms
 6 to determine whether the treatment prevents reactivation of tuberculosis. Approximately 2
 7 billion people on earth are infected but do not develop an active disease immediately, instead
 8 reactivating tuberculosis later in life in tandem with some form of immunocompromised
 9 status. Current treatments are long and burdensome, which negatively impacts treatment
 10 completion. This study was intended to pave the way towards a much shorter regimen that
 11 would eventually eliminate latent tuberculosis and tuberculosis itself.

12 568. On February 27, 2024, NIH issued a Notice of Award and the Grant
 13 Agreement. The Notice of Award authorized funding for three years of work from March
 14 2024 through January 2027. The NIH’s initial Notice of Award was superseded by a revised
 15 Notice of Award sent on May 30, 2024, which provided for total funding of \$2,798,273
 16 during the project period. NIH issued a further Notice of Award for the Latent TB Treatment
 17 Project, authorizing continued funding in February 2025.

18 NIH Termination of Latent TB Treatment Grant Award

19 569. On August 1, 2025, Dr. Horwitz received an email from UCLA’s
 20 Office of Contract and Grant Administration instructing him to stop work on the Latent TB
 21 Treatment Project as a result of NIH’s July 31 grant suspension action against UCLA. The
 22 suspension of the project suspended approximately \$2,333,898 in unfunded award still
 23 outstanding to complete the Latent TB Treatment Project’s work.

24 570. As a result of this unilateral, unlawful termination, Dr. Horwitz is
 25 unable to support the salary components of collaborating individuals at the Subaward site
 26 Texas Biomedical Research Institute, including two leading collaborating co-investigators, a
 27 Staff Scientist, a Post-doctoral fellow, and two technicians. Despite making impressive
 28 headway performing initial work on the pharmacodynamics and pharmacokinetics of the

1 treatment drugs, Dr. Horwitz is unable to complete the work in collaboration with another
 2 collaborating co-investigator and specialist in this area at another collaborating institution.

3 571. The premature termination of this grant has also foreclosed Dr.
 4 Horwitz's ability to begin the critical study using already selected primates to uncover if the
 5 drug regimen has efficacy against latent tuberculosis.

6 572. These losses are in addition to the loss of value to the public from Dr.
 7 Horwitz's research team's inability to revolutionize treatment of people with latent
 8 tuberculosis worldwide, of which there are approximately 2 billion, and in whom tuberculosis
 9 can reactivate at any point in their lives if not properly treated.

10 NIH T7SS Drug Project Grant Application and Award

11 573. Dr. Horwitz submitted a grant application to the NIH as a Principal
 12 Investigator for the project titled "Identification by High Throughput Screening of Inhibitors
 13 of the Mycobacterium tuberculosis ESX-1 and ESX-5 Type VII Secretion Systems – critical
 14 virulence determinants and novel drug targets" (hereafter, the "T7SS Drug Project").

15 574. The goal of the T7SS Drug project was to identify promising lead
 16 compounds with the highest therapeutic ratio and study them to potentially develop a new
 17 class of antibiotics to treat tuberculosis. With approximately 10.6 million active cases and 1.3
 18 million deaths a year, better drugs are urgently needed to shorten the burdensomely long
 19 treatment course and to combat the emergence of new tuberculosis causative agents that are
 20 drug resistant.

21 575. On July 17, 2025, NIH issued a Notice of Award, authorizing grant
 22 funding for the T7SS Project. The Notice of Award authorized funding for two years of work
 23 on the project, from July 2025 through June 2027, for a total award of \$433,125.

24 NIH Termination of T7SS Drug Project Grant Award

25 576. On August 1, 2025, Dr. Horwitz received an email from UCLA's
 26 Office of Contract and Grant Administration instructing him to stop work on the T7SS Drug
 27 Project as a result of NIH's July 31 grant suspension action against UCLA. The suspension of
 28

1 the project suspended approximately \$429,518 in unfunded award still outstanding to
 2 complete the T7SS Drug Project's work.

3 577. The premature termination of this grant means that Dr. Horwitz is
 4 unable to carry out the high throughput screens of molecules for their capacity to inhibit the
 5 T7SS of *Mycobacterium tuberculosis*, the causative agent of tuberculosis. Without this, Dr.
 6 Horwitz is prevented from discovering new drugs to treat this very important infectious
 7 disease, which kills more people than any other infectious agent and is rapidly developing
 8 resistance to currently available drugs.

9 578. As a result of this unilateral, unlawful termination, Dr. Horwitz is
 10 unable to continue to support the salary component of several people in his laboratory. This
 11 includes himself, a co-investigator Professor, a co-investigator Project Scientist, and a
 12 collaborating co-investigating Professor in the high throughput screening facility and his
 13 Research Associate.

14 579. These allegations are detailed and supported, with relevant
 15 documentation, in the Declaration of Dr. Marcus A. Horwitz, filed in this action.

16 b. **Plaintiff Alexander Van Der Bliek's Grant Termination and**
 17 **Resulting Harm**

18 580. Dr. Alexander van der Bliek is a Professor of Biological Chemistry at
 19 UCLA who examines the role of mitochondria in neurodegenerative diseases. For the past
 20 two decades he has also served as a regular member and temporary member of multiple NIH
 21 study sections; these expert bodies decide which grant applications get funded.

22 581. Dr. van der Bliek's research focuses on the role that mitochondria
 23 serves in neurodegenerative diseases such as Alzheimer's and peripheral neuropathies
 24 (diseases that damage nerves outside the brain and spinal cord, causing chronic pain, tingling,
 25 and other symptoms). Having discovered the molecular basis of mitochondrial fission, which
 26 is essential for both cell survival and cell death, Dr. van der Bliek has continued research on
 27 mitochondrial dynamics that may illuminate mechanisms for many diseases that pose an
 28 enormous societal disease burden. His work is particularly recognized for its relevance to

1 neurodegenerative diseases and conditions with high energy demands, including cancer and
 2 diabetes.

3 582. In recognition of his research, Dr. van der Bliek has been honored with
 4 a fellowship with EMBO (an international membership organization promoting excellence in
 5 the life sciences) and HFSPO (the Human Frontiers of Science Organization), and a five-year
 6 role as Research Scholar at the American Cancer Society.

7 583. Dr. van der Bliek's research has been supported by multiple NIH
 8 Grants, as well as grants from non-governmental agencies.

9 Grant Application to NIH

10 584. On April 29, 2020, Dr. van der Bliek submitted an Application for
 11 Federal Assistance to the NIH's National Institute of Neurological Disorders and Stroke
 12 (NINDS). The project, for which Dr. van der Bliek was identified as Project Director and
 13 Principal Investigator, was titled "Control of Calcium Flux and Mitochondrial Fission by the
 14 Charcot Marie Tooth Disease Protein Mfn2" (the "R01 Application").

15 585. The proposal aimed to research the underlying causes of Charcot-
 16 Marie-Tooth (CMT) disease. CMT is an inherited condition that damages the nerves
 17 controlling movement and sensation. In the study, Dr. van der Bliek sought to study how
 18 mutations in a protein called Mfn2 affect the way mitochondria, the cell's "power plants,"
 19 divide. Because the process is closely tied to nerve cell health, Dr. van der Bliek's research
 20 may help explain what causes CMT and point toward new ways to treat it. In addition to
 21 funding Dr. van der Bliek, the proposal would fund salaries for one lab technician and two
 22 postdoctoral researchers, as well as funding supplies, research costs, travel, and publishing.

23 586. NIH issued a Notice of Award, authorizing grant funding for Dr. van
 24 der Bliek's CMT research project. The Notice of Award authorized funding for five years of
 25 work on the project, from January 2021 through December 2025, for a total award of
 26 \$2,243,240.

1 587. Dr. van der Bliek received his most recent Notice of Award Action
 2 from UCLA grant administrators on January 10, 2025, informing him that he was to receive
 3 the last installment of the grant (\$342,488) to sustain the project's final year.

4 NIH Grant Termination

5 588. On August 1, 2025, Dr. van der Bliek received an email from UCLA
 6 administrators instructing him to stop work on his NIH grant as a result of NIH's July 31
 7 grant suspension action against UCLA.

8 589. As a result of this unilateral, unlawful grant termination, Dr. van der
 9 Bliek is unable to capitalize on new insights from his research into the root causes of
 10 hereditary neuropathies. This research opens promising directions for future therapies for
 11 these often debilitating disorders. HE is also unable to further explore an important,
 12 unexpected research result: revelation of certain toxic cellular mechanisms linked to brain
 13 diseases such as Alzheimer's and frontotemporal dementia.

14 590. Dr. van der Bliek is also no longer able to purchase supplies for his
 15 experiments and will have to soon let his staff go for lack of University support. With
 16 research in his lab grinded to a halt, Dr. van der Bliek will have to spend significant time to
 17 identify new postdocs to work with him as collaborators and wait for them to complete their
 18 PhD training if he were even able to identify new sources of funding. To do so, Dr. van der
 19 Bliek would have to close down the lab due to considerable delay, losing a large amount of
 20 exciting new data.

21 591. The premature termination of this grant also means that the postdocs
 22 working with Dr. van der Bliek will be unable to complete their projects and publish
 23 associated papers. These postdocs are highly specialized, having trained for years in this area.
 24 A gap in publications resulting from layoffs will make them far less desirable in the job
 25 market and potentially make them unemployable. The field as a whole will suffer from the
 26 loss of these promising researchers. This will have an enduring adverse impact on research in
 27 Dr. van der Bliek's subfield of biological chemistry.

1 592. These harms are in addition to the loss of value to the public from Dr.
 2 van der Bliek's research team's inability to complete work on the root causes of hereditary
 3 neuropathies that would help advance public understanding of neurodegenerative and
 4 metabolic diseases, including Parkinson's, Alzheimer's, diabetes, and cancer.

5 593. These allegations are detailed and supported, with relevant
 6 documentation, in the Declaration of Dr. Alexander van der Bliek, filed in this action.

7 c. **Plaintiff Rhonda Voskuhl's Grant Termination and Resulting**
 8 **Harm**

9 594. Dr. Rhonda Voskuhl is a Professor of Neurology at the UCLA School
 10 of Medicine, who examines how sex hormones and sex chromosomes cause sex differences in
 11 the onset and severity of neurodegenerative diseases. She currently holds the Jack. H. Skirball
 12 Chair and has served as the Director of the UCLA Multiple Sclerosis Program since 2000. Dr.
 13 Voskuhl is also a Faculty Neurologist for the UCLA Comprehensive Menopause Care
 14 Program.

15 595. Dr. Voskuhl's research focuses on (1) determining how sex hormones
 16 and sex chromosomes cause sex differences in the onset and severity of neurodegenerative
 17 diseases and (2) investigating the role of brain aging on neurodegeneration, identifying a sex
 18 hormone by age interaction whereby being estrogen deficient and midlife combine to induce
 19 cognitive decline, dorsal hippocampal atrophy, glial activation, and synaptic loss. The goal of
 20 Dr. Voskuhl's research is to use a brain region-specific, cell-specific, and sex-specific
 21 approach to identify neuroprotective treatment targets, then design clinical trials to repair
 22 neurodegeneration that are optimally tailored for sex and age. In recognition of her research,
 23 Dr. Voskuhl was most recently awarded the John Dystel Prize in Multiple Sclerosis, 2024,
 24 from the American Academy of Neurology and the National MS Society, the most prestigious
 25 award in the field of MS. In addition to numerous national and international awards, Dr.
 26 Voskuhl was also awarded the Rachel Horne Prize for Women's Research in Multiple
 27 Sclerosis, 2023, from the European and American Committees for Treatment and Research in
 28 MS.

1 596. Dr. Voskuhl's research has been supported by governmental and
 2 private sources, including research grants from NIH.

3 Grant Application to the NIH

4 597. On July 8, 2022, Dr. Voskuhl submitted a grant application to the NIH
 5 for a project titled "Neurodegeneration Underlying Distinct Disabilities in Multiple Sclerosis
 6 Using a Cell-Specific, Region-Specific, and Sex-Specific Approach" (the "R35 Application").
 7 The R35 application aimed to (1) extend the cell-specific and region-specific transcriptomics
 8 in astrocytes and oligodendrocytes to microglia and neurons, with cell to cell interactions
 9 revealed in mice double-labelled to show gene expression changes in two distinct cell types in
 10 the same region in the same mouse, and (2) determine if there are effects of sex and/or age on
 11 the most differentially expressed cell-specific and region-specific pathways. The R35
 12 proposal would take Dr. Voskuhl's research to the next level: identifying sex by age
 13 interactions in cell-specific and region-specific transcriptomics, neuropathology, and
 14 substructure atrophy on MRI. In doing so, the project would discover neurodegenerative
 15 targets optimized for each disability in MS models in females and males during young
 16 adulthood and aging. Dr. Voskuhl was the Project Director and Principal Investigator on the
 17 grant proposal, which included four co-investigators, one graduate student, one senior lab
 18 technician, and one MRI lab technician.

19 598. The grant Application requested funding commensurate with the 8-year
 20 budget of \$7,307,976 from April 2023 to March 2031.

21 NIH's Grant Award

22 599. On May 8, 2023, NIH issued a Notice of Award, approving the R35
 23 Application. The Agreement authorized the proposal for an amount of \$876,448 for the
 24 5/15/2023-4/30/2024 budget period, and additional awards of \$913,497 for the next seven
 25 years. NIH approved continuing funding for the R35 Project in each of the subsequent years.

26 NIH's Grant Termination

27

28

1 600. On August 1, 2025, Dr. Voskuhl received from UCLA's research
 2 administrators a "Stop Work Notice" for the R35 Grant Award as a result of NIH's July 31
 3 grant suspension action against UCLA.

4 601. As a result of this unilateral, unlawful termination, Dr. Voskuhl is
 5 unable to purchase supplies for her experiments. Dr. Voskuhl will soon have to let her staff go
 6 for lack of University support and research in her lab will stop.

7 602. Dr. Voskuhl's co-investigators, who have highly specialized training
 8 but are more junior in their careers, will be harmed by a gap in publications, which will
 9 negatively impact their career progression and ability to secure future funding for their
 10 research. A pause in Dr. Voskuhl's research negatively impacts her subfield of neurology.
 11 The team will be unable to share their research findings at conferences and in scientific
 12 publications. In addition, Dr. Voskuhl is training the next generation of MS researchers,
 13 including young faculty, postdoctoral fellows, graduate students and undergraduates. The
 14 future of MS research will be harmed by an indefinite pause in training.

15 603. These harms are in addition to the loss of value to the public from Dr.
 16 Voskuhl's research team's inability to complete work on new insights into the molecular basis
 17 for disability-specific disease progression in MS. Their research had already generated new
 18 insights that are indefinitely paused. Multiple sclerosis affects nearly one million people in the
 19 United States. Work supported by Dr. Voskuhl's grant is aimed at developing novel
 20 treatments targeting cells and processes within the central nervous system to confer
 21 neuroprotection and repair disabilities for MS patients. Dr. Voskuhl's research would also
 22 have helped advance public understanding of neurodegenerative conditions and autoimmunity
 23 and how sex differences can affect disease and treatment. NIH's withheld funding threatens
 24 the loss of research discoveries and treatment for MS patients.

25 604. These allegations are detailed and supported, with relevant
 26 documentation, in the Declaration of Dr. Rhonda Voskuhl, filed in this action.

27
 28

1 **G. The Department of Energy**

2 **1. Congress created the Department of Energy to promote energy**
 3 **research, innovation, and conservation; to promote U.S. energy**
 4 **independence; and to develop alternatives to fossil fuels.**

5 605. The Department of Energy (“DOE”) is an executive department of the
 6 U.S. Federal Government that oversees the United States’ national energy policy and energy
 7 production, the research and development of nuclear power, the military’s nuclear weapons
 8 program, nuclear reactor production for the United States Navy, energy related research, and
 9 energy conservation. The DOE was created in 1977 in the aftermath of the 1973 oil crisis. In
 10 1977, President Jimmy Carter signed into law the Department of Energy Organization Act
 11 which established the Department of Energy. President Carter proposed the Department of
 12 Energy with the goal of promoting energy conservation and energy independence, and
 13 developing alternative sources of energy to reduce the use of fossil fuels.

14 **2. In Response to Trump Administration Directives, DOE Improperly**
 15 **Changed Priorities and Canceled Existing Grants**

16 606. DOE quickly began department-wide restructuring pursuant to Trump
 17 orders. On February 5, 2025, the Secretary of Energy announced that DOE would “take
 18 immediate action . . . in accordance with President Trump’s executive orders.”²⁰⁶

19 607. By early spring 2025, DOE began implementing Defendant Trump’s
 20 orders with help from DOGE. In a May 2025 press release, DOE announced that it was
 21 appointing the then-current head of DOGE at DOE, Carl Coe, as its new Chief of Staff. The
 22 press release specified that Coe “has worked closely with Secretary Wright” in order to
 23 effectuate “process improvement and cost savings,” or what DOE referred to as “DOGE
 24 efforts.”²⁰⁷

25 608. In April 2025, DOE instituted a 15% cap on indirect costs for
 26 university research grants, even while acknowledging that “many grant recipients use indirect

26 ²⁰⁶ Chris Wright, *Unleashing the Golden Era of American Energy Dominance*, U.S. Dep’t of
 27 Energy (Feb. 5, 2025), <https://www.energy.gov/articles/secretary-wright-acts-unleash-golden-era-american-energy-dominance>.

27 ²⁰⁷ U.S. Dep’t of Energy, *DOE Announces New Leadership to Tackle Challenges of Growing Energy Demand* (May 2, 2025), <https://www.energy.gov/articles/doe-announces-new-leadership-tackle-challenges-growing-energy-demand>.

1 cost payments to effectuate research funded by the Department's grant awards." This action
 2 was taken to "deliver[] on President Trump's commitment" to slash research grants.²⁰⁸ In May
 3 2025, a federal district court in Massachusetts preliminarily enjoined DOE's imposition of
 4 this rate cap on the ground that it was arbitrary and capricious and in likely violation of
 5 federal law.²⁰⁹

6 609. On May 15, 2025, Secretary Wright issued a Secretarial Memorandum
 7 titled: "Secretarial Policy on Ensuring Responsibility for Financial Assistance."²¹⁰ The memo
 8 announced that DOE would be reviewing prior funding awards to ensure they are "consistent
 9 with . . . this Administration's policies and priorities." It also announced an intent to
 10 terminate projects.

11 610. DOE stated its review would begin by reviewing 179 awards that
 12 totaled over \$15 billion, and would then extend to other awards.²¹¹

13 611. On October 2, 2025, DOE announced the termination of 321 awards
 14 supporting 223 projects that totaled over \$7.56 billion. In a press release, Secretary Wright
 15 explained that "[o]n day one, the Energy Department began the critical task of reviewing
 16 billions of dollars in financial awards[. . .]" in an effort to deliver on President Trump's
 17 promise "to protect taxpayer dollars and expand America's supply of affordable, reliable, and
 18 secure energy."²¹² In that same press release, DOE foreshadowed more terminations: "Rest
 19

20 ²⁰⁸ U.S. Dep't of Energy, *Department of Energy Overhauls Policy on College and University*
 21 *Research, Saving \$405 Million Annually for American Taxpayers* (Apr. 11, 2025),
 22 <https://www.energy.gov/articles/department-energy-overhauls-policy-college-and-university-research-saving-405-million>.

23 ²⁰⁹ *Ass'n of Am. Univs. v. Dep't of Energy*, 789 F.Supp.3d 118, (D. Mass. 2025).

24 ²¹⁰ Chris Wright, *Secretarial Policy on Ensuring Responsibility for Financial Assistance*, EXEC-
 2025-005990, U.S. Dep't of Energy (May 14, 2025),
[https://www.energy.gov/sites/default/files/2025-05/EXEC-2025-005990%20-%20Secretarial%20Policy%20-PRP%20-%205-14-25%20\(FINAL\)%20\(2\).pdf](https://www.energy.gov/sites/default/files/2025-05/EXEC-2025-005990%20-%20Secretarial%20Policy%20-PRP%20-%205-14-25%20(FINAL)%20(2).pdf).

25 ²¹¹ U.S. Dep't of Energy, *Secretary Wright Announces New Policy for Increasing Accountability, Identifying Wasteful Spending of Taxpayer Dollars* (May 15, 2025),
<https://www.energy.gov/articles/secretary-wright-announces-new-policy-increasing-accountability-identifying-wasteful>.

26 ²¹² U.S. Dep't of Energy, *Energy Department Announces Termination of 223 Projects, Saving Over \$7.5 Billion* (Oct. 2, 2025), <https://www.energy.gov/articles/energy-department-announces-termination-223-projects-saving-over-75-billion>.

1 assured, the Energy Department will continue reviewing awards to ensure that every dollar
 2 works for the American people.”²¹³

3 **3. DOE Terminates Funding to Awardees Exclusively in “Blue” States**

4 612. In the days and weeks leading up to a possible lapse in appropriations
 5 at the end of September 2025, President Trump threatened to retaliate against congressional
 6 Democrats and their voters should they not agree to fund the government on the President’s
 7 terms. For instance, on September 30, President Trump told reporters: “We can do things
 8 during the shutdown that are irreversible, that are bad for them and irreversible by them, like
 9 cutting vast numbers of people out, cutting things that they like, cutting programs that they
 10 like.”²¹⁴

11 613. DOE and the Office of Management and Budget (“OMB”) made good
 12 on that threat the very first day of the shutdown. On October 1, the Director of OMB,
 13 Defendant Russell Vought, announced on X:



...
 16 Nearly \$8 billion in Green New Scam funding to fuel the Left's climate
 17 agenda is being cancelled. More info to come from [@ENERGY](#).
 18 The projects are in the following states: CA, CO, CT, DE, HI, IL, MD, MA,
 19 MN, NH, NJ, NM, NY, OR, VT, WA
 20 2:09 PM · Oct 1, 2025 · 6.1M Views

21 614. In all sixteen states listed by Vought where projects were terminated, the
 22 citizens of that state voted for Vice President Harris over President Trump in the 2024 election.
 23 And in all sixteen states, the citizens of that state currently have elected two Senators who caucus
 24 with the Democratic party. Vought’s post thus openly flaunted that, in terminating DOE awards,
 25 the administration targeted states associated with the opposition party.

26
 27 ²¹³ *Id.*

28 ²¹⁴ Ricard Cowan, et al., *Trump Warns Democrats of “Irreversible” Actions in Government Shutdown*, Yahoo News (Sept. 30, 2025), <https://www.yahoo.com/news/articles/trump-warns-democrats-irreversible-actions-223432584.html> [https://perma.cc/UVV3-MXKS].

1 615. The data unmistakably confirms that Defendants targeted DOE grants for
 2 termination in October 2025 based on the political views of the citizens of the state associated
 3 with the grant.

4 616. On information and belief, on or around October 1, 2025, Defendants
 5 transmitted to members of Congress a list of the 321 awards slated for termination. That list was
 6 made public in various news reports.²¹⁵

7 617. The website usaspending.gov contains authoritative information on every
 8 grant awarded by DOE and other agencies, including the address on file of each awardee and the
 9 primary place of performance of each award.

10 618. Of the 321 awards, six were terminated prior to October, and one was
 11 awarded to an awardee in Canada. For the remaining 314 awards, and for 100% of them, the
 12 grantee's address on file with the federal government is in a state that voted for the President's
 13 opponent in the 2024 election and has two Democratic-caucusing Senators.

14 619. In addition, the primary place of performance for 314 of the 321 awards
 15 slated for termination (*i.e.*, 98%) was a state that voted for Vice President Harris and has two
 16 Democratic- caucusing Senators.

17 620. According to public reporting, DOE had originally sent a broader list of
 18 more than 600 awards to OMB for potential termination.²¹⁶ The broader list included awards to
 19 grantees based in states throughout the country, including Arizona, Indiana, Florida, Ohio,
 20 Louisiana, North Carolina, North Dakota, Oklahoma, South Carolina, Tennessee, Texas, Utah,
 21 West Virginia, and Wisconsin—all of which voted for President Trump in the 2024 election.²¹⁷
 22 But Defendants did not terminate *any* awards to grantees located in those states in October 2025.

23
 24
 25 ²¹⁵ See, e.g., Maeve Allsup, *Scoop: These Are the 321 Awards DOE Is Canceling*, Latitude Media
 26 (Oct. 2, 2025), <https://www.latitudemedia.com/news/scoop-these-are-the-321-awards-doe-is-canceling/> [<https://perma.cc/B9F7-483X>].

26 ²¹⁶ Brian Dabbs, et al., *DOE Floats New Cuts to Hundreds of Clean Energy Grants*, E&E News
 27 (Oct. 7, 2025), <https://www.eenews.net/articles/doe-floats-new-cuts-to-hundreds-of-clean-energy-grants/> [<https://perma.cc/5B76-VGQP>].

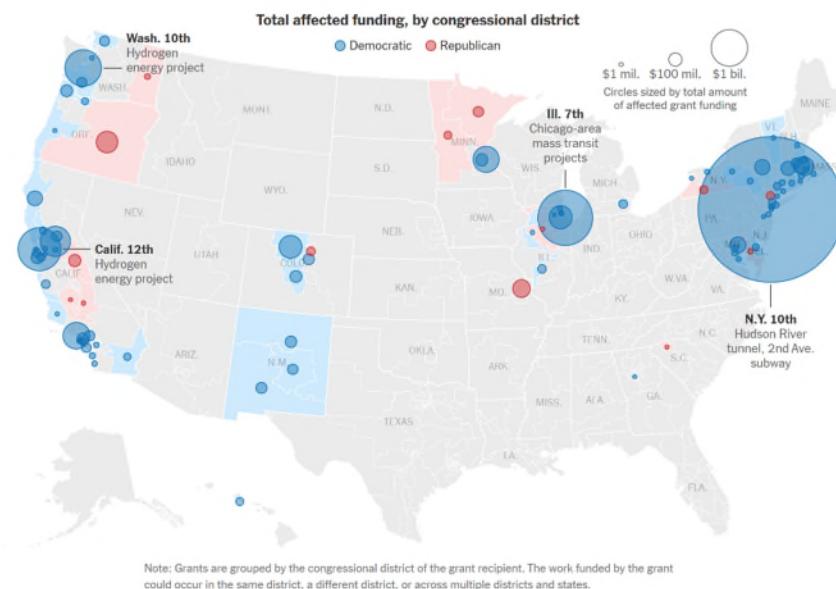
28 ²¹⁷ *Id.*, https://www.latitudemedia.com/wp-content/uploads/2025/10/FILE_6460.pdf (list of
 awards) [<https://perma.cc/GA87-D96M>].

1 Instead, according to one energy lobbyist (and as the evidence demonstrates), “they basically just
 2 pulled out most, if not all, blue state projects, and that’s what they announced as cuts.”²¹⁸

3 621. Even in programs where awards were made across all 50 states, such as the
 4 Grid Resilience and Innovation Partnership program, only projects in states that voted for Vice
 5 President Harris were cancelled in October 2025, while similar projects in states that voted for
 6 President Trump were not.

7 622. DOE terminated 79 projects in California alone, totaling more than \$2
 8 billion in federal funding. One of the projects would have provided backup battery power for a
 9 children’s hospital in Madera, California.

10 623. DOE’s October 2025 termination of awards in states that voted against the
 11 President was a part of the administration’s broader efforts to harm such states since the
 12 shutdown. As of October 14, the administration had “frozen or canceled nearly \$28 billion that
 13 had been reserved for more than 200 projects primarily located in Democratic-led cities,
 14 congressional districts, and states.”²¹⁹ An analysis by the New York Times showed that the vast
 15 majority of funding cuts during the shutdown have been to grantees in states—and even



26 ²¹⁸ Dabbs, *supra*, n. 216.

27 ²¹⁹ Tony Romm & Lazaro Gamio, *Trump Targets Democratic Districts by Halting Billions During Shutdown*, N.Y. Times (Oct. 14, 2025), <https://www.nytimes.com/interactive/2025/10/14/us/trump-grants-democrat-districts-government-shutdown.html>

1 congressional districts—that have recently voted for Democrats, especially in New York,
 2 California, and Chicago.²²⁰

3 **4. DOE Plaintiffs and Other Grant Recipients Are Harmed by DOE's
 Illegal Grant Terminations**

4 624. DOE is one of the largest funders of UC research. UC researchers have
 5 been or will be seriously harmed by DOE's imminent grant terminations.

6 625. DOE's October 2025 grant terminations adversely impacted 21 Full-
 7 Time-Equivalent UC personnel who can fairly be described as Principal Investigators or
 8 principal researchers at work on projects other than the ARCHES project, described below.
 9 The terminations also impacted 29 UC research personnel involved with ARCHES.

10 626. By terminating or imminently terminating grants to UC researchers at
 11 the direction of the President and DOGE, DOE has violated its congressional mandates. Such
 12 mandates include, for example, compliance with and effectuation of the legislative purposes
 13 implicit in congressional appropriations.

14 627. By effectuating mass terminations of grants to UC researchers without
 15 proper review or clear explanation, DOE acted unconstitutionally and unlawfully as set forth
 16 in the Claims for Relief asserted below.

17 a. **Plaintiff Plamen Atanassov's Grant Terminations and Resulting
 Harm**

18 628. Plaintiff Plamen Atanassov is the Chancellor's Professor of Chemical
 19 & Biomolecular Engineering at the University of California Irvine ("UCI"). He holds a
 20 joint/courtesy appointment in Materials Science & Engineering at UCI.

21 629. Dr. Atanassov earned his MS in Chemical Physics & Theoretical
 22 Chemistry from the University of Sofia (Bulgaria) in 1987. He earned a Specialization in Bio-
 23 electrochemistry from Frumkin's Institute of Electrochemistry in Moscow (Russia) in 1988.
 24 He completed his PhD in Chemistry and Physical Chemistry from the Bulgarian Academy of
 25 Sciences in Sofia in 1992 (degree conferred in 1995).

26
 27
 28

²²⁰ *Id.*

630. Dr. Atanassov's research focuses on several technical fields related to innovation in engineered materials, development of novel electrocatalysts for fuel cells, and design of new materials and technologies for power production, energy conversation, and storage.

631. Dr. Atanassov is a prolific scientist. He has published more than 490 peer-reviewed papers that have collectively been cited more than 45,000 times. He is also the inventor of 67 U.S. patents, many of which have been licensed and form the core of various catalyst products and catalyst processing and integration technologies.

632. DOE's abrupt termination of three of Dr. Atanassov's grants has caused him and his collaborators financial harm and has harmed the U.S. public, which has lost the full benefit of his research. His three grants are described in further detail below.

ARChES Project – DOE’s termination of \$1.2 billion in grants awarded through its Hydrogen Hubs (“H2”) Program

633. In September 2022, the DOE’s Office of Clean Energy Demonstrations (“OCED”) issued a Funding Opportunity Announcement (DE-FOA-0002779) soliciting projects that would meet the goal of its new Regional Clean Hydrogen Hubs Funding Program (“Hydrogen Hubs (or “H2”) Program”). The purpose of the H2 Program was to demonstrate the production, processing, delivery, storage, and end-use of clean hydrogen to facilitate a clean hydrogen economy, in order to maximize the benefits of clean energy transition as the United States works to curb the climate crisis, empower workers, and advance environmental justice.

634. The original authorizing statute for the H2 Program was the Energy Policy Act of 2005, Section 814 (Public Law 109-58). Then, in 2021, Congress required the Secretary of Energy to establish a program to support the development of “regional clean hydrogen hubs” that would together create “a network of clean hydrogen producers, potential clean hydrogen consumers, and connective infrastructure located in close proximity.”²²¹ 42

²²¹ See Section 40314 of the Infrastructure Investment and Jobs Act of 2021, Pub. L. No. 117-58, 135 Stat. 429 (2021) (codified at 42 U.S.C. § 16161a).

1 U.S.C. § 16161a(a), (b). The Infrastructure Investment and Jobs Act of 2021, also known as
 2 the Bipartisan Infrastructure Law (“BIL”) appropriated \$8 billion over five or more years to
 3 establish at least four of these regional hydrogen hubs.

4 635. Because hydrogen fuel can be produced using any energy source and is
 5 typically produced with conventional energy sources (*e.g.*, natural gas, diesel, or nuclear
 6 power), the BIL additionally embodied Congress’ desire to spur technological development of
 7 alternative fuel sources for hydrogen generation, by mandating that *a minimum of one H2 hub*
 8 *must focus on deriving hydrogen fuel from renewable sources, such as solar and wind energy.*
 9 42 U.S.C. § 16161a(c)(3)(A)(ii) (“at least 1 regional clean hydrogen hub shall demonstrate the
 10 production of clean hydrogen from renewable energy”).

11 636. Consistent with this congressional directive, when DOE in October
 12 2023 made assistance awards to seven hydrogen hubs, these included two “clean hydrogen”
 13 hubs: the Pacific Northwest Hydrogen Hub, and a California Hydrogen Hub.²²²

14 637. California’s Hydrogen Hub goes by the name “ARCHES” (Alliance for
 15 Renewable Clean Hydrogen Energy Systems), sometimes also described as “ARCHES H2.”
 16 ARCHES is a statewide public-private partnership dedicated to advancing the hydrogen
 17 economy and clean energy innovation. California state participants in ARCHES include
 18 multiple UC campuses (UC Irvine, UC Davis, UC San Diego, UC Berkeley) and one of UC’s
 19 affiliated national laboratories (Lawrence Berkeley National Laboratory), which effectively
 20 functions as a separate UC campus and whose workers are UC employees. These five UC loci
 21 form the core of the hydrogen hub’s research and innovation apparatus.

22 638. UC’s partners in ARCHES include other state agencies, the state
 23 legislature, and local governments; nonprofit organizations, such as GO-Biz; and industry
 24 partners, all of which are essential collaborators in bringing technical skills, market
 25 knowledge, practical capacity, and political capability to support and deploy primarily-UC
 26 innovations necessary to build the hydrogen network called for by the BIL.

27
 28 ²²² Fuel Cell and Hydrogen Energy Association, *H2 Award Fact Sheet* (Oct. 2023),
<https://fchea.org/wp-content/uploads/2023/10/H2Hub-Award-Factsheet.pdf>.

1 639. In July 2024, in reliance on DOE's statements and representation about
 2 the Regional Clean Hydrogen Hubs program, ARCHES H2 LLC (the limited liability entity
 3 for the ARCHES partnership) executed a cooperative agreement award for \$1.2 billion with
 4 the DOE (DOE Award Number DE-CD0000041, the "ARCHES Award")) predicated on UC
 5 researchers' world-class scientific and engineering knowledge, and capacity to deliver the
 6 technological innovation required for the project's success.

7 640. The ARCHES project, designed to advance the federal objectives set
 8 forth in the BIL by catalyzing the clean energy industry in California, was already doing
 9 important and indeed extraordinary work during Phase I of the award. The \$1.2 billion that
 10 DOE had committed in summer 2024 had—just over one year later—catalyzed over \$10
 11 billion in committed private industry matching funds, a 10:1 multiplier that would maximize
 12 taxpayer value and deliver significant return on investment for the American people.

13 641. This financial structure was built on 33 signed subrecipients partnering
 14 with hundreds of companies, connecting producers, distributors, and end-users in a short
 15 period of time. These partners advanced 150 distinct projects representing over \$12 billion in
 16 total infrastructure investment.

17 642. Transportation infrastructure also saw significant development, with a
 18 focus on developing hydrogen refueling stations to support deployment of over 1,000 fuel cell
 19 electric buses supported by this comprehensive infrastructure.

20 643. UC researchers across four campuses and LBNL have immersed
 21 themselves in multiple, complex research projects to support ARCHES, including but by no
 22 means limited to: improving fuel cell catalyst technology and analyzing hydrogen markets
 23 (UC Irvine); researching how use of hydrogen in ports would improve local air (UC
 24 Berkeley); researching the air quality improvements that would accrue to the Los Angeles
 25 region if power plants switched from natural gas to hydrogen (UCLA); analyzing and
 26 projecting demand locations and routes for hydrogen-powered trucks (UC Davis); and
 27 studying how to create a first-of-its-kind hydrogen-powered marine research vessel that can

28

1 operate cleanly and quietly, enhancing underwater research (UC San Diego's Scripps Institute
 2 of Oceanography).

3 644. Dr. Atanassov had planned to serve as Senior Advisor for Business
 4 Development to ARCHES, including an up-to-half-time transition to ARCHES so that he
 5 could actively participate in establishing ARCHES operations. In connection with this role,
 6 Dr. Atanassov would develop for ARCHES a Hydrogen Technology Certification for the
 7 State of California (and ultimately, for the whole United States) as a public-private
 8 partnership that could provide a stable source of future funding for ARCHES in the form of a
 9 direct industrial revenue stream.

10 645. Moreover, ARCHES was likely to take a leading role in accelerating
 11 clean hydrogen technologies in time for deployment at the Los Angeles Olympic and
 12 Paralympic Games in 2028.

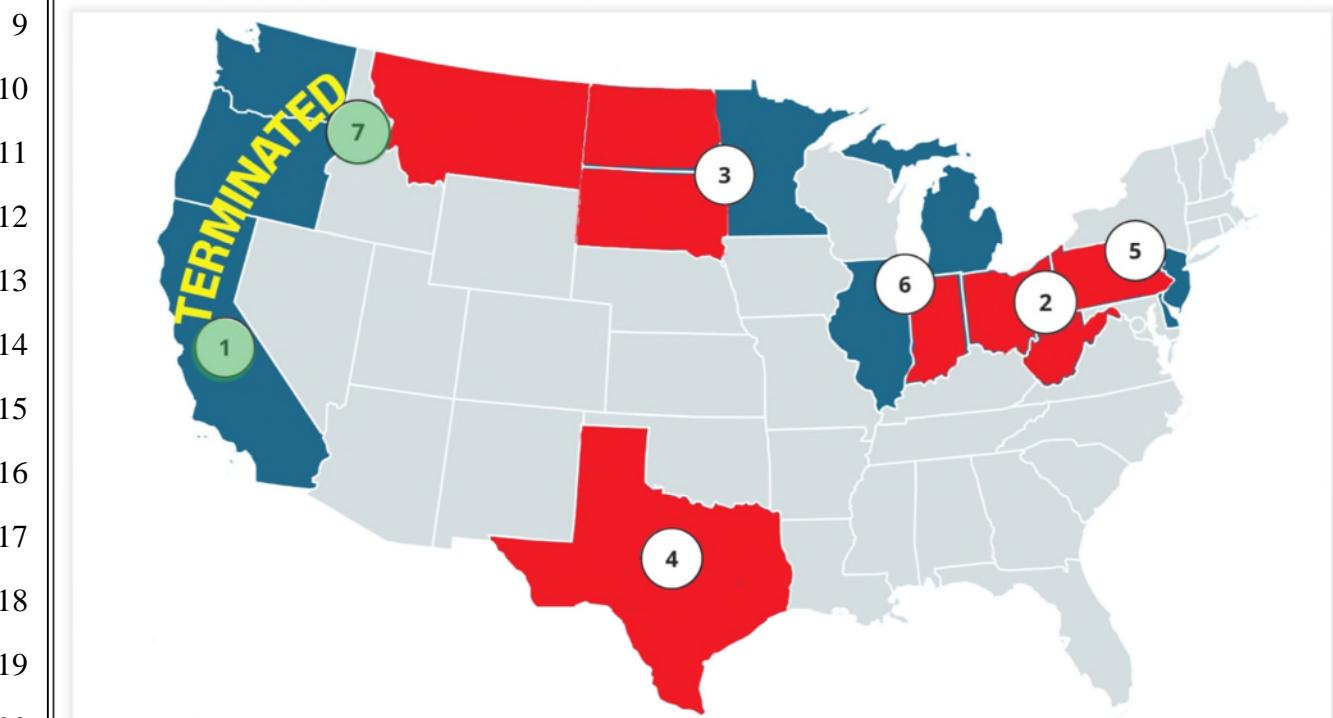
13 646. On October 1, 2025, ARCHES received a letter from Virginia
 14 Crawford in the Office of Clean Energy Demonstrations, announcing that the ARCHES
 15 Award was being terminated “under the authority of 2 CFR § 200.340(a)(4).” The letter
 16 required ARCHES to “cease all project activities after the date of October 1, 2025,” to “not
 17 incur any new project costs,” and to “cancel as many outstanding obligations as possible.”
 18 The basis for the termination was simply that the ARCHES Award “did not pass Standards”
 19 of the DOE’s “Portfolio Review Process Committee,” though it did not provide any further
 20 context.

21 647. On October 11, 2025, Dr. Adam Weber, Chief Technology Officer of
 22 ARCHES, sent an administrative appeal letter to DOE questioning the basis for the
 23 termination of the major funding award to ARCHES. The letter described the fiscal soundness
 24 of ARCHES and the responsiveness of the transportation sector to the imminent development
 25 of clean hydrogen. It noted that there was “no legal justification or contractual basis for
 26 terminating the award and revoking the obligated funding.” It further noted that termination
 27 would result in irreparable harm and urged a response by October 21, 2025 as to whether the
 28 termination would be held in abeyance or rescinded.

1 648. As of November 22, 2025, ARCHES had received no response from
 2 DOE.

3 649. In early October 2025, DOE also terminated the one other “green
 4 hydrogen” hub (the Pacific Northwest Hub),²²³ notwithstanding the congressional instruction
 5 in the BIL requiring DOE to fund a minimum of one green hydrogen hub.

6 650. Notably, as indicated in the graphic below (prepared by Plaintiffs’
 7 counsel), DOE has not to date terminated any other hydrogen hubs, all of which encompass
 8 significant portions of states that voted for Donald Trump in the 2024 election:



21 651. The DOE’s Hydrogen Hubs Program grants were the largest in the
 22 agency’s history. Their abrupt termination has correspondingly dramatic consequences for the
 23 involved UC researchers; for their scores of government and private project partners; and
 24 also, for taxpayers’ and society’s ability to benefit from the cutting edge, nonpolluting
 25 hydrogen infrastructure that ARCHES was in the midst of developing.

26
 27

²²³ Pacific Northwest Center for Clean Energy Excellence, *U.S. Department of Energy Terminates Projects, PNWH2 Included* (Oct. 7, 2025), <https://www.cleanenergyexcellence.org/u-s-department-of-energy-terminates-projects-pnwh2-hub-included/>.

Grants to advance fuel cell technology

652. As one of the world's top experts in his field, Dr. Atanassov had two additional DOE grants independent of ARCHES that were intended to advance the state of fuel cell technology—a critical need if hydrogen is to become a significant power source in the future.

653. The widespread deployment of hydrogen fuel cell technology holds great environmental promise. First, the transportation sector is America's largest source of greenhouse gases and a major source of smog-forming and toxic air pollutants. Hydrogen fuel cells are a carbon-free, pollution-free alternative to conventional fossil fuels, thereby eliminating climate-forcing and ground-level pollution from any source they power. Second, hydrogen is an additional fuel source, which furthers the United States' energy self-sufficiency. Third, hydrogen can be deployed in vehicles that are otherwise hard to decarbonize, such as planes and cargo ships. Fourth, the United States has the potential to become a world leader in hydrogen fuel cell technology, thus increasing its global competitiveness.

Cathode catalysts

654. On September 13, 2023, DOE granted to Dr. Atanassov Assistance Award # DE-EE0010751 to fund his work on the development of cathode catalysts. The grant was for approximately \$3,000,000.

655. The purpose of the project was to create a major fuel cell catalyst innovation locus. The project aimed to develop cutting-edge catalysts for integration into fuel cells.

656. On October 2, 2025, DOE terminated the grant on the purported basis that it was “not consistent with this Administration’s goals, policies and priorities.” It added that “[t]his project does not effectuate the Department of Energy’s priorities of ensuring affordable, reliable, and abundant energy to meet growing demand and/or addresses [sic] the national emergency declared pursuant to Executive Order 14156.”

657. Executive Order 14156 states that the United States “need[s] a reliable, diversified, and affordable supply of energy to drive our Nation’s manufacturing, transportation, agriculture, and defense industries, and to sustain the basics of modern life and military preparedness.” Declaring a National Energy Emergency, 90 Fed. Reg. 8433, 8433 (Jan. 20, 2025). Further, “[a]n affordable and reliable domestic supply of energy is a fundamental requirement for the national and economic security of any nation.” *Id.*

7 658. The basis for the termination is incongruous with the project's purpose,
8 which sought to advance the goals in the Executive Order. Specifically, the project was
9 intended to (a) lower the cost of hydrogen fuel cells ("affordability"), and (b) make feasible
10 broader deployment of this energy technology ("abundance"), while also increasing U.S.
11 market share and indeed creating the possibility of market dominance in this energy domain.
12 DOE's termination letter does not attempt to address this contradiction.

Novel carbon supports

14 659. On September 24, 2024, DOE granted Assistance Agreement for the
15 Award DE-EE0011347 to fund Dr. Atanassov's work on developing novel carbon supports
16 for metal catalysts. The grant amount of approximately \$5,400,000 over three-and-a-half
17 years.

18 660. The project represented the opportunity to actualize a line of research
19 contemplated since at least 2010 that involves use of specifically designed carbon materials
20 (in which Cabot Corporation is a global leader) in innovative, scalable manufacturing of
21 catalysts. More specifically, the project's aim was to produce the first industrial-scale, U.S.-
22 manufactured fuel cell catalysts that would be able to fulfill the requirement for 30% "Made
23 in USA" content (a percentage calculated based on manufacturing costs), which enables clean
24 energy projects to receive bonus tax credits under the Inflation Reduction Act.

25 661. On October 2, 2025, DOE terminated the grant on the basis that "this
26 project is not consistent with this Administration's goals, policies and priorities." Further,
27 "[t]his project does not effectuate the Department of Energy's priorities of ensuring affordable,

1 reliable, and abundant energy to meet growing demand and/or addresses the national
 2 emergency declared pursuant to Executive Order 14156.”

3 662. As with the termination of cathode catalysts, the basis for the
 4 termination is impossible to reconcile with the project’s purpose, because both projects aimed
 5 to advance the goals of hydrogen fuel cell affordability, abundance, and U.S. success in the
 6 global fuel cell market.

7 **b. Plaintiff Louise Bedsworth’s Grant Termination and Resulting**
 8 **Harm**

9 663. Dr. Louise Bedsworth holds the following positions at the UC Berkeley
 10 School of Law: Executive Director at the Center for Law, Energy, and the Environment
 11 (“CLEE”), Director of the Land Use Program at the CLEE, and Senior Advisor at the
 12 California-China Climate Institute.

13 664. Dr. Bedsworth submitted to DOE, as Principal Investigator, with the
 14 Regents of the University of California, on behalf of the UC Berkeley, a proposal for financial
 15 assistance (“Proposal”) for a project titled “Feasibility Study to Co-Create a Community
 16 Alliance for Direct Air Capture” (the “CALDAC Project”).

17 665. As the Statement of Project Objectives for the CALDAC Project
 18 explained:

19 This project will undertake a comprehensive assessment of the technical, social and
 20 governance feasibility of establishing a Community Alliance for Direct Air Capture
 21 (CALDAC) in California. This innovative effort invites the local community to be
 22 the center of Direct Air Capture (DACP) Hub development. The feasibility
 23 assessment will include two intersecting and interconnected elements:

- 24 • Development of the DAC Hub structure and assessment of the technical
 feasibility of the DAC Hub, including technology partners, location, business
 model, and CO₂ storage/utilization/conversion option(s), and
- 25 • Assessment of the social and governance feasibility of an innovative,
 community-led ownership model and community benefits plan that engages
 local stakeholders as core partners.

26 666. The project was designed to test both the technical and social feasibility
 27 of a Direct Air Capture (“DACP”) hub. The project included a diverse partnership of DAC
 28 companies, energy companies, carbon dioxide to product companies, community
 organizations (Valley Onward and Central California Asthma Collaborative), and researchers

1 from UC Berkeley, California State University Bakersfield (CSU Bakersfield), California
 2 State University Fresno (Fresno State), EPRI, AECOM, PSE Clean Energy, and Lawrence
 3 Berkeley National Laboratory.

4 667. The Proposal to the DOE for the CALDAC Project requested
 5 \$2,999,999 from the DOE for the entire project period, for a two-year period (August 1, 2024
 6 – July 31, 2026); Dr. Bedsworth was identified in the Proposal as the Principal Investigator.
 7 The requested funds were for the partial salary for Dr. Bedsworth as Principal Investigator,
 8 the partial salary for a Project Manager, funding for two graduate student researchers, and
 9 financial support for 13 sub-awardees, including: Lawrence Berkeley National Laboratory,
 10 CSU Bakersfield, Fresno State University, and four DAC technology providers.

11 668. The DOE granted an award to the Regents of the University of
 12 California, Sponsored Projects Office for a total of two years, for an amount of \$1,105,878 for
 13 the first budget period (August 1, 2024 through April 30, 2025), and an additional award of
 14 \$1,538,928 for the second budget period (May 1, 2025 through July 31, 2026), for a total
 15 award amount of \$2,644,806.²²⁴

16 669. Dr. Bedsworth and her team began work on the CALDAC Project on
 17 August 1, 2024, focusing on stakeholder and community engagement, site selection, and
 18 development of a framework to guide the project.

19 670. On October 2, 2025, UC Berkeley was issued a letter from Vicki
 20 Michetti, the Head of Contracting Activity at the Office of Fossil Energy and Carbon
 21 Management at the DOE, indicating that the grant award was terminated in its entirety. The
 22 termination letter instructed that UC Berkeley researchers “make every reasonable effort to
 23 immediately discontinue project costs after the effective termination date of October 2, 2025.”

24
 25
 26 224 While the amount of \$1,373,215 was requested for the first budget period, only \$1,105,878 was awarded by the
 27 DOE. The discrepancy is due to an error in how a cost share award from the California Energy Commission was
 28 included in the project budget submitted with the application. The DOE recognized the error and confirmed that it
 would adjust the award amount to the requested amount through an amendment. However, the amendment was never
 amended due to disruptions at the DOE.

1 671. On October 10, 2025, a second letter was issued to UC Berkeley from
 2 Vicki Michetti, which was essentially identical in substance to the previous termination letter,
 3 but indicated that the effective termination date of the grant award was October 10, 2025.

4 672. Both the October 2 letter and October 10 letter stated that the
 5 CALDAC Project no longer “effectuate[s] the Department of Energy’s priorities,” “is not
 6 consistent with this Administration’s goals, policies and priorities,” and that “DAC Hubs
 7 provide no tangible economic benefit. DAC hubs may raise natural gas prices if deployed at
 8 scale.” This statement about DAC hubs is not supported by any evidence. Further, there is no
 9 coherent connection between DOE’s reason for termination and what the CALDAC Project
 10 sought to accomplish, which would provide economic benefit as discussed below.

11 673. Dr. Bedsworth, her team, and the public interest have all suffered harm
 12 as a result of the CALDAC Project’s grant termination. Termination of this grant has resulted
 13 in financial harm to the CLEE by reducing funds available for researcher and staff salaries.

14 674. Termination of this grant additionally resulted in the loss of a \$300,000
 15 grant from the California Energy Commission and significant cost share contributions from
 16 project partners, which further reduced or eliminated funding for researcher and staff salaries.

17 675. The termination also results in a lost opportunity to conduct novel
 18 research on an emerging technology. This project took an innovative approach to co-develop
 19 the feasibility study with local partners, including local government and local non-profit
 20 organizations. If successful, this could have resulted in a replicable model to accelerate energy
 21 and infrastructure development that benefits project developers and host communities. The
 22 findings of this work would have provided significant opportunity to publish and share novel
 23 research with researchers and policymakers.

24 676. Use of DAC and other carbon removal technologies are needed to
 25 reduce and/or offset carbon emissions. DAC is also an important area of growth in the United
 26 States. Failure to scale DAC will diminish domestic innovation and lead to a loss of job
 27 creation opportunities, which can be especially important in resource-dependent communities.

28

1 **H. Allegations Against Additional Federal Agency Defendants**

2 677. While Plaintiffs' grants were unlawfully terminated by EPA, NEH,
 3 NSF, DOD, DOT, NIH, and DOE, these agencies are acting no differently than other federal
 4 agencies choosing to ignore their congressional mandates in favor of political objectives.
 5 Indeed, all are acting under the Executive Orders and other unlawful directives from
 6 Defendants Trump and DOGE, rather than under the authority of their statutory mandates.

7 678. The Federal Agency Defendants are acting in similar, categorical, and
 8 lockstep fashion. Their uniform and categorically unlawful conduct usurps congressional
 9 authority and the rights of Class members in the same unlawful way, and it will only increase,
 10 absent the declaratory and injunctive relief requested in this Complaint. The violation of
 11 separation of power principles is still more blatant now that Defendant Trump and the
 12 members of his Cabinet collectively and directly run DOGE. The following allegations
 13 demonstrate that all Federal Agency Defendants have engaged in the same course of conduct
 14 and harmed the members of the UC researchers class in the same way as the Named Plaintiffs
 15 have been harmed, under the same Executive Orders and DOGE directives.

16 679. Class members (researchers in the UC system) receive funding from an
 17 array of federal agencies, and have suffered the same type of harm (abrupt termination of
 18 previously awarded grants under Executive Orders and/or other Trump administration
 19 directives) from the universal terminations perpetuated by Defendants.

20 680. At minimum, the following Federal Agency Defendants have
 21 terminated or will imminently terminate grants to Class members:

22 **1. Department of Agriculture**

23 681. Early into President Trump's tenure, the Department of Agriculture
 24 (USDA) ceded control to DOGE. Secretary of Agriculture Brooke Rollins announced on
 25 February 14, 2025 that she "welcome[d]" DOGE's spending cuts, and that DOGE would have
 26 "full access" as Rollins reviewed "thousands of ...grants" over the first weeks of her tenure.
 27 All of this, according to USDA, would be done "per the President's directives."²²⁵

28 ²²⁵ U.S. Dep't of Agric., *Secretary Rollins Takes Bold Action to Stop Wasteful Spending and*
 [PROPOSED] THIRD AMENDED CLASS ACTION
 COMPLAINT FOR
 DECLARATORY AND INJUNCTIVE RELIEF

1 682. By March 13, 2025, USDA announced that Rollins had “worked with
 2 [DOGE] to streamline USDA operations by cutting wasteful spending,” hyperlinking to a
 3 social media post about a terminated university research grant.²²⁶

4 683. USDA also canceled its Partnerships for Climate-Smart Commodities
 5 program, which included research grants to universities.²²⁷ USDA stated that recipients could
 6 re-apply for funding if their projects were “aligned with the priorities of this
 7 Administration.”²²⁸

8 684. USDA grants to UC researchers were terminated, causing serious harm.
 9 On information and belief, researchers received form termination letters.

10 685. By terminating grants at the direction of the President and DOGE,
 11 USDA has violated its congressional mandates. Such mandates include, for example,
 12 compliance with and effectuation of the legislative purposes implicit in congressional
 13 appropriations, and 7 U.S.C. § 3157, which establishes a research grant program to “promote
 14 research in food, agriculture, and related areas.”

15 686. By effectuating mass terminations of grants to UC researchers without
 16 proper review or clear explanation, USDA acted unconstitutionally and unlawfully, as set
 17 forth in the Claims for Relief asserted below.

18 **2. AmeriCorps**

19 687. AmeriCorps has also mass terminated grants in response to President
 20 Trump’s Executive Orders and DOGE directives.

22 *Optimize USDA to Better Serve American Agriculture* (Feb. 14, 2025),
 23 <https://www.usda.gov/about-usda/news/press-releases/2025/02/14/secretary-rollins-takes-bold-action-stop-wasteful-spending-and-optimize-usda-better-serve-american>.

24 ²²⁶ U.S. Dep’t of Agric., *Secretary Brooke Rollins Takes Bold Action in First 30 Days at USDA* (Mar. 13, 2025), <https://www.usda.gov/about-usda/news/press-releases/2025/03/13/secretary-brooke-rollins-takes-bold-action-first-30-days-usda>.

25 ²²⁷ See, e.g., Univ. of Idaho, *Secretary Brooke Rollins Takes Bold Action in First 30 Days at USDA* (Apr. 16, 2025), <https://www.uidaho.edu/news/news-articles/news-releases/2025/041625-iamp-termination>.

26 ²²⁸ U.S. Dep’t of Agric., *USDA Cancels Biden Era Climate Slush Fund, Reprioritizes Existing Funding to Farmers* (Apr. 14, 2025), <https://content.govdelivery.com/accounts/USDAOC/bulletins/3dbe363>.
<https://content.govdelivery.com/accounts/USDAOC/bulletins/3dbe363>.

1 688. AmeriCorps has stated that it is “taking proactive action to ensure
 2 alignment with . . . the Trump-Vance Administration priorities.” AmeriCorps has also stated
 3 that all grants and grant applications “must comply with President Trump’s executive orders,”
 4 specifically listing the following Executive Orders: “Defending Women From Gender
 5 Ideology Extremism and Restoring Biological Truth to the Federal Government,”
 6 “Unleashing American Energy,” “Ending Radical and Wasteful Government DEI Programs
 7 and Preferencing,” and “Ending Illegal Discrimination and Restoring Merit-Based
 8 Opportunity.”²²⁹

9 689. On April 25, 2025, news outlets reported that DOGE had ordered
 10 AmeriCorps to terminate almost \$400 million in grants.²³⁰ This constitutes roughly 41% of
 11 the agency’s total grant funding.

12 690. That same day, UC researchers received form termination letters that
 13 read:

14 Effective immediately, the AmeriCorps award subrecipient(s)
 15 included in the attached spreadsheet is/are being terminated per 2
 16 CFR 200.340(a)(4) because it has been determined that the award no
 17 longer effectuates agency priorities. You must immediately cease all
 18 award activities. This is a final agency action and is not
 19 administratively appealable.

20 691. UC researchers have suffered serious harm as a result of Defendants’
 21 actions.

22 692. By terminating grants at the direction of the President and DOGE,
 23 AmeriCorps has violated its congressional mandates. Such mandates include, for example,
 24 compliance with and effectuation of the legislative purposes implicit in congressional
 25

26 ²²⁹ AmeriCorps, *Grantee and Sponsor Guidance on Compliance*,
 27 <https://www.americorps.gov/grantees-sponsors/grantee-sponsor-guidance-compliance> (last visited
 28 May 28, 2025).

29 ²³⁰ Teri Raji, *DOGE Orders major cut to AmeriCorps funding, imperiling agency’s work*, The
 Washington Post (Apr. 25, 2025),
<https://www.washingtonpost.com/nation/2025/04/25/american-corps-grant-cuts-doge/>; Sophia Cai &
 Ben Johansen, *DOGE Hits Trump Country*, Politico (Apr. 30, 2025),
<https://www.politico.com/news/2025/04/30/doge-hits-trump-country-00319654>.

1 appropriations, and 42 U.S.C. 12653 (describing activities AmeriCorps must carry out directly
 2 or through grants).

3 693. By effectuating mass terminations of grants to UC researchers without
 4 proper review or clear explanation, AmeriCorps acted unconstitutionally and unlawfully, as
 5 set forth in the Claims for Relief asserted below.

6 **3. Department of Education**

7 694. Department of Education grants were an early DOGE target. On
 8 February 10, DOGE announced (on X, Elon Musk's social media platform) that it had
 9 terminated 29 "DEI training grants" totaling over \$100 million.²³¹ DOGE also announced the
 10 termination of 89 other Department of Education contracts. This included contracts made by
 11 the Department's nonpartisan research arm, the Institute of Education Sciences.²³²

12 695. When asked for comment on the terminations, a spokesperson for the
 13 Department stated: "We kindly point you to the X post from DOGE."²³³

14 696. On information and belief, Department of Education grant terminations
 15 have caused serious harm to UC researchers.

16 697. By terminating grants at the direction of the President and DOGE, the
 17 Department has violated its congressional mandates. Such mandates include, for example,
 18 compliance with and effectuation of the legislative purposes implicit in congressional
 19 appropriations, and specific directives such as 20 U.S.C. §§ 9511, 9512 (establishing Institute
 20 of Education Sciences).

21
 22
 23
 24 ²³¹ DOGE (@DOGE), *Also today, the Department Of Education terminated 89 contracts worth*
\$881mm. (Feb. 10, 2025), <https://x.com/DOGE/status/1889113011282907434>.

25 ²³² Rebecca Carballo & Juan Perez Jr., *DOGE announces \$881 million in cuts for Education*
Department Contracts, Politico (Feb. 10, 2025),
<https://www.politico.com/news/2025/02/10/education-department-pauses-research-contracts-00203494>.

26 ²³³ Kalyn Belsha, *Crucial research halted as DOGE abruptly terminates Education Department*
contracts, Chalkbeat (Feb. 11, 2025), <https://www.chalkbeat.org/2025/02/11/elon-musk-and-doge-cancel-education-department-research-contracts/>.

1 698. On information and belief, the Department effectuated mass
 2 terminations of grants to UC researchers without proper review or clear explanation, thereby
 3 acting unconstitutionally and unlawfully as set forth in the Claims for Relief asserted below

4 **4. Institute of Museum and Library Services**

5 699. Through an Executive Order, Defendant Trump called for the
 6 elimination of the Institute of Museum and Library Services (IMLS).²³⁴ IMLS grant activities
 7 have been hit particularly hard by Defendants' illegal actions.

8 700. On information and belief, IMLS's mass termination of grants likewise
 9 occurred at DOGE's direction. On its social media account X, IMLS wrote: "The era of using
 10 your taxpayer dollars to fund DEI grants is OVER." The post tagged DOGE and reposted a
 11 Fox News post asserting that "Trump's DOGE push slashes millions."²³⁵

12 701. In early April 2025, UC researchers who had previously received IMLS
 13 grants received a form letter terminating their grants. It read:

14 This letter provides notice that the Institute of Museum and Library
 15 Services (IMLS) is terminating your federal grant ([Grant
 16 Application No.]) effective April 8, 2025, in accordance with the
 17 termination clause in your Award Agreement. Upon further review,
 18 IMLS has determined that your grant is unfortunately no longer
 19 consistent with the agency's priorities and no longer serves the
 20 interest of the United States and the IMLS Program. IMLS is
 21 repurposing its funding allocations in a new direction in furtherance
 22 of the President's agenda. Independently and secondly, the
 23 President's March 14, 2025 executive order mandates that the IMLS
 24 eliminate all non-statutorily required activities and functions. See
 25 Continuing the Reduction of the Federal Bureaucracy, E.O. 14238
 26 (Mar. 14, 2025). Therefore, the IMLS hereby terminates your grant
 27 in its entirety effective April 8, 2025. Please contact grant-
 28 notices@imls.gov with only urgent questions. We wish you well.

25 ²³⁴ Exec. Order No. 14238, *Continuing the Reduction of the Federal Bureaucracy*, 90 Fed. Reg.
 26 813043 (Mar. 14, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/continuing-the-reduction-of-the-federal-bureaucracy/>.

27 ²³⁵ U.S. Inst. of Museum & Library Servs. (@US_IMLS), *The era of using your taxpayer dollars to fund DEI grants is OVER.* (Apr. 3, 2025), https://x.com/US_IMLS/status/1907814174693941660.

1 702. UC researchers are concretely harmed by the termination of IMLS
 2 grants.

3 703. By terminating grants at the direction of the President and DOGE,
 4 IMLS has violated its congressional mandates. Such mandates include, for example,
 5 compliance with and effectuation of the legislative purposes implicit in congressional
 6 appropriations, and the more general direction in 20 U.S.C. §§ 9108, 9162, 9165, 9175
 7 (notably, the last two sections direct IMLS to “develop a diverse workforce” of library and
 8 museum professionals).

9 704. By effectuating mass terminations of grants to UC researchers without
 10 proper review or clear explanation, IMLS acted unconstitutionally and unlawfully as set forth
 11 in the Claims for Relief asserted below.

12 **5. Department of the Interior, including National Park Service**

13 705. The Department of the Interior (DOI) has worked closely with DOGE
 14 to implement Defendant Trump’s orders. DOI said that it was “committed to supporting
 15 President Trump’s Executive Order” creating DOGE.²³⁶

16 706. DOI allowed a DOGE staffer to prepare lists of grants for termination,
 17 flagging those that addressed “climate” or “D.E.I.” As of May 7, 2025, a DOGE staff member
 18 had earmarked many research grants from the National Park Service (NPS) and other DOI
 19 subagencies for future termination.²³⁷ DOI has carried out or will imminently carry out these
 20 terminations.

21 707. By terminating grants at the direction of the President and DOGE, DOI
 22 has violated its congressional mandates. Such mandates include, for example, compliance
 23
 24
 25

26 ²³⁶ U.S. Dep’t of the Interior, *SO-3429 – Consolidation, Unification, and Optimization of*
 27 *Administrative Function* (Apr. 17, 2025), <https://www.doi.gov/document-library/secretary-order/so-3429-consolidation-unification-and-optimization-administrative>.

28 ²³⁷ Lisa Friedman, *Trump Administration is Said to Target Park Services*, The New York Times
 (May 7, 2025), <https://www.nytimes.com/2025/05/07/climate/trump-park-service-grants-cuts.html>.

1 with and effectuation of the legislative purposes implicit in congressional appropriations, and
 2 other legislation specifying the functions of individual DOI subunits, such as NPS.²³⁸

3 708. DOI has terminated or will imminently terminate grants to UC
 4 researchers, causing concrete harm.

5 709. By effectuating mass terminations of grants to UC researchers without
 6 proper review or clear explanation, DOI acted unconstitutionally and unlawfully as set forth
 7 in the Claims for Relief asserted below.

8 **6. Department of State, including USAID**

9 710. Early into President Trump's tenure, DOGE set its sights on USAID,
 10 essentially gutting the entire agency.²³⁹

11 711. USAID terminated grants to UC researchers, causing serious harm.

12 712. By terminating grants at the direction of the President and DOGE, the
 13 State Department has violated its congressional mandates. Such mandates include, for
 14 example, compliance with and effectuation of the legislative purposes implicit in
 15 congressional appropriations, such as the fiscal year 2024 Department of State and Foreign
 16 Operations Appropriations Act.

17 713. By effectuating mass terminations of grants to UC researchers without
 18 proper review or clear explanation, the State Department acted unconstitutionally and
 19 unlawfully as set forth in the Claims for Relief asserted below.

20 **V. The Trump Administration Is Threatening Additional, Illegal Funding Cuts to the**
 21 **UC System**

22 714. In the days leading up to the filing of this complaint, the head of DOJ's
 23 "antisemitism task force," Leo Terrell, announced forthcoming "massive lawsuits" targeting
 24 the UC system. According to Terrell, the DOJ is "going to go after [the UC system] where it

26 ²³⁸ See, e.g., U.S. Nat'l Park Serv., *Grants for Cultural Resources, Consultation, and*
 27 *Repatriation*, <https://www.nps.gov/history/grants.htm> (last visited May 29, 2025), ("Grant
 programs fund projects as described or limited by their authorizing legislation.").

28 ²³⁹ Ellen Knickmeyer, *Trump Administration Fires at Least 1,600 USAID Workers*, AP News
 (Feb. 23, 2025), <https://apnews.com/article/usaid-trump-musk-foreign-aid-firings-a3af8ce6ef17878b718c8e2ed3bf98e4>.

1 hurts them financially.” If recent actions against other universities are any guide, this will
 2 likely include the revocation of additional congressionally allocated grants and funds. These
 3 anticipated cuts, while not directly implicated by this lawsuit, borrow from the same playbook
 4 and are part of the same executive branch scheme of illegally seizing and weaponizing the
 5 power of the purse to harm universities and their faculty, to the great detriment of the
 6 American public.

7 **VI. Unless Enjoined, Grant Terminations Will Cause Irreparable Harm to Plaintiffs, the**
 8 **Class, and the Nation**

9 715. Plaintiffs and the proposed Class have suffered and will continue to
 10 suffer the following injuries as a direct result of Defendants’ conduct:

11 a. Interruption or abandonment of ongoing research projects as a direct result
 12 of the loss of previously awarded grants;

13 b. Attendant reduction of employment for or layoffs of researchers and their
 14 staff;

15 c. Career disadvantage, including: loss of opportunities to publish research,
 16 inability to attend project-relevant conferences, and reduced ability to obtain related or follow-on
 17 grants;

18 d. Expenditure of considerable time and effort to find substitute funding;

19 e. The need to support project team members with discretionary funds, or to
 20 otherwise duct-tape solutions to a massive funding shortfall that first manifests as an immediate
 21 cash flow problem within affected campus research units; and

22 f. Reputational injury, including loss of trust from the community partners so
 23 integral to ensuring that public university research is responsive and relevant to local needs.

24 716. These direct, concrete injuries to Plaintiff researchers themselves have
 25 an inexorable and damaging ripple effect on the research mission of individual researchers
 26 and research teams; on the research mission of the UC system itself; on the citizens of
 27 California; and on all Americans, and indeed people throughout the world, who daily benefit
 28 from the fruits of UC discoveries, innovations, and inventions.

CLAIMS FOR RELIEF

COUNT I

Implied Right of Action, Nonstatutory Review, and *Ultra Vires* Actions; Violation of Separation of Powers

717. Plaintiffs reallege all paragraphs above as if fully set forth herein.

718. This Court has jurisdiction to enjoin federal officials from violating the
including the separation of powers. *Free Enter. Fund v. Pub. Co. Acct.*
, 561 U.S. 477, 491 n.2 (2010).

8 719. The Constitution empowers Congress to make laws, U.S. Const. art. 1,
9 § 1, and requires the President to “take Care that the Laws be faithfully executed,” *id.* art. II,
10 § 3. The “Take Care Clause” assures that, consistent with the structural and functional
11 separation of powers on which our system of government is based—and on which it
12 depends—“Congress makes the laws and the President faithfully... executes them.” *Utility*
13 *Air Reg. Grp. v. Envtl. Prto. Agency*, 573 U.S. 302, 327 (2014) (cleaned up). The faithfulness
14 the Constitution requires of the Executive is not to the President’s views on priorities, but to
15 the laws enacted by Congress as interpreted and enforced by the Courts. Congress’s powers to
16 set the policies of the nation are at their apex when it comes to spending money, as the
17 Constitution “exclusively grants the power of the purse to Congress, not the President.” *City*
18 *& Cnty. of San Francisco v. Trump*, 897 F.3d 1225, 1231 (9th Cir. 2018).

19 720. The executive branch has no constitutional authority to refuse to carry
20 out laws enacted by Congress, and it has no constitutional authority to block, amend, subvert,
21 or delay spending appropriations based on the President’s own policy preferences. For nearly
22 two hundred years, it has been established that a president violates the Take Care Clause
23 when he overrides statutes enacted by Congress, or refuses to execute such statutes or their
24 implementing regulations. *Kendall v. United States*, 37 U.S. (12 Pet.) 524, 613 (1838). The
25 President “is without authority to set aside congressional legislation by executive order.” *In re*
26 *United Mine Workers of Am. Int’l Union*, 190 F.3d 545, 551 (D.C. Cir. 1999).

721. Defendants' decisions to unilaterally cancel duly awarded grants and withhold funding that Congress has appropriated precisely to fund such grants violates the separation of powers.

722. Defendants' decisions to delay spending and outright refuse to spend the amounts Congress appropriated violates Congress's power of the purse and the separation of powers.

723. Because Defendants' actions violate the separation of powers and are *ultra vires*, they should declared unconstitutional and enjoined.

COUNT II

Implied Right of Action, Nonstatutory Review, and *Ultra Vires* Actions; Violation of First Amendment (Content and Viewpoint Discrimination)

724. Plaintiffs reallege all paragraphs above as if fully set forth herein.

725. The First Amendment provides that the federal government “shall make no law . . . abridging the freedom of speech.” U.S. Const. amend. I.

726. The First Amendment prohibits the government from “regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.” *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995). “Discrimination against speech because of its message is presumed to be unconstitutional.” *Id.* at 828.

727. “[E]ven in the provision of subsidies, the Government may not ‘ai[m]at the suppression of dangerous ideas.’” *Nat'l Endowment for the Arts v. Finley*, 524 U.S. 569, 587 (1998) (quoting *Regan v. Taxation with Representation of Wash.*, 461 U.S. 540, 550 (1983) (alteration in original)). In the grant-making context, the government may not reject “a whole class of projects” based on “viewpoint alone,” or use Federal funding to “impose a disproportionate burden calculated to drive certain ideas or viewpoints from the marketplace.” *Rhode Island Latino Arts v. Nat'l Endowment for the Arts*, No.25-cv-79-WES, 2025 WL 1009026, at *12 (D.R.I. Apr. 3, 2025) (quoting *Finley*, 524 U.S. at 587).

728. Defendants' mass termination of grants to disadvantage or promote particular political and ideological viewpoints is "the product of invidious viewpoint

discrimination.” *Finley*, 524 U.S. at 587. In an effort to drive views they disfavored out of the marketplace of ideas, Defendants terminated many grants based on the recipients’ (presumed) viewpoint as reflected in the subject matter of their research. This is most evident in the Termination Notices’ citation to Executive Orders purporting to combat “Radical Indoctrination” and “Radical . . . DEI Programs,” and to further “Biological Truth.” The Termination Notices make plain that Defendants believe that the content of Plaintiffs’ speech conflicts with the Administration’s views, and Plaintiffs’ grants were terminated at least in part for this reason. The First Amendment does not tolerate such viewpoint discrimination.

729. Accordingly, Defendants' actions are not in accordance with law and are contrary to constitutional right or power.

COUNT III

730. Plaintiffs re-allege and incorporate by reference all prior and subsequent paragraphs.

731. The Due Process Clause of the Fifth Amendment prohibits the federal government from denying equal protection of the laws. *See Bolling v. Sharpe*, 347 U.S. 497, 499–500 (1954).

732. In identifying DOE grants to terminate in October 2025, Defendants intentionally treated Plaintiffs differently from similarly situated entities based on the political views of, and votes cast by, the citizens of the state where the prime grantee was located, and the state where the relevant award would be primarily performed.

733. Defendants' reasons for treating Plaintiffs differently from similarly situated entities are arbitrary and irrational.

734. Defendants' differential treatment of Plaintiffs is motivated by animus against the political views of and votes cast by the citizens of the states associated with the awards, based on the location of the prime grantee or where the award would be performed.

735. Defendants lack any rational, legitimate, or compelling governmental interest in treating Plaintiffs differently from similarly situated entities.

736. As a direct and proximate result of Defendants' differential treatment, Plaintiffs have suffered concrete economic and non-economic harm, including loss of funding, loss of funding opportunities, loss of access to federally funded programs and resources, loss of investments, costs of mitigation, diversion of resources, reputational harm, and chilled association.

737. Through the actions above, Defendants have violated the Due Process Clause of the Fifth Amendment.

COUNT IV

738. Plaintiffs reallege and incorporate by reference the allegations contained in each of the preceding paragraphs as if fully set forth herein.

739. The Due Process Clause of the Fifth Amendment to the Constitution requires due process of law before the deprivation of a constitutionally protected interest.

740. Plaintiffs have a constitutionally protected property interest in grant funding that supports their salaries and stipends, as well as their ongoing research. Plaintiffs have relied on this funding, and the protections of federal law governing this funding, in pursuing their research, in hiring staff, in making commitments to research partners, and in many other ways. Plaintiffs also have constitutionally protected liberty interests in their freedom of speech and expression, including academic freedom, and in pursuing their livelihoods.

741. Defendants' cancellation or imminent cancellation of federal grant funding does not provide Plaintiffs fair notice or a reasonable opportunity to be heard.

742. The Due Process Clause also prohibits government actions that fail to give fair notice of what conduct is forbidden or required. A government enactment is unconstitutionally vague if it fails to provide a reasonable opportunity to know what conduct is prohibited or is so indefinite as to allow arbitrary and discriminatory enforcement.

743. Because of the vagueness in the language of Defendant Trump's Orders and the Federal Agency Defendants' chaotic efforts to give effect to those Orders, Plaintiffs are unsure, for example, which areas of study they can pursue, which populations they can focus on as study subjects, and what the demographics of study participants must be. This makes it impossible to determine how to reconfigure future research to stay within the bounds of the agencies' newest "priorities."

744. Defendants' efforts to purge certain disfavored research from federal agencies' grant rolls accordingly violates the Due Process Clause.

COUNT V

**Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (C): Contrary to Law;
Illegal Departure from Impoundment Control Act, Statutes, and
Regulations**

745. Plaintiffs reallege all paragraphs above as if fully set forth herein.

746. The APA directs courts to “hold unlawful and set aside agency actions, findings, and conclusions found to be … arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law … [or] in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” 5 U.S.C. § 706(2)(A),(C). Defendants’ actions violate these provisions, calling on the Court to hold them unlawful and set them aside for several reasons, including those specified below.

747. First, by refusing to spend money that Congress appropriated, Defendants are violating the Impoundment Control Act of 1974 (ICA), and the appropriations statutes underlying each agency’s funding scheme. Under the ICA, a “deferral” includes any “withholding or delaying the obligation or expenditure of” appropriated funds, as well as “any other type of Executive action or inaction which effectively precludes the obligation or expenditure of” appropriated funds. 2 U.S.C. § 682(1). When the executive branch wishes to defer funds, it must send a special message to Congress detailing the money to be deferred and the reasons for deferral. There are only three permissible grounds for deferrals, *id.* § 684(b), none of which includes effort to ensure funds are spent consistent with the President’s new policy priorities.

748. Defendants' actions constitute a "deferral" because they reflect a "withholding or delaying [of] the obligation or expenditure of" funds that Congress appropriated. Defendants did not notify Congress of the deferrals as the ICA requires, nor did Defendants undertake the deferrals for reasons the ICA permits.

749. Defendants' actions also constitute an unlawful "rescission" of the funds appropriated for agency action, including grant-making. Where the President seeks to "rescind" appropriated funds, the ICA requires, among other things, that the President send a special message to Congress specifying the funds he seeks to have rescinded and the reasons for his proposal. 2 U.S.C. § 683(a). The President did not do so.

750. Second, Defendants are violating the agencies' enabling statutes and other laws passed by Congress that include grant-making as a directive to the agencies. The work that Plaintiffs and the Class were awarded grants to perform furthers agency missions and fulfills specific statutory requirements set by Congress. Withholding the appropriated funds contradicts Congress's directives.

751. Third, where grants were issued in accordance with agency-specific rules and terminated for reasons inconsistent with those rules, Defendants are violating their own regulations and agreements.

COUNT VI

752. Plaintiffs reallege all paragraphs above as if fully set forth herein.

753. A reviewing court must “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). Government agencies and officers act in an arbitrary and capricious manner if they fail to engage in “reasoned decision-making.” *Michigan v. EPA*, 576 U.S. 743, 750 (2015) (citation omitted). Agency action is therefore lawful only if it rests “on a consideration of the relevant factors.” *Motor Vehicle Mfrs. Ass’n of United States, Inc. v. State Farm Mut. Automobile Ins. Co.*, 463 U.S. 29, 43 (1983). This principle applies *a fortiori* to agency departures from long settled policy. *Id.*

1 754. Further, agency action is arbitrary and capricious if the agency has
 2 “relied on factors which Congress has not intended it to consider, entirely failed to consider
 3 an important aspect of the problem, offered an explanation for its decision that runs counter to
 4 the evidence before the agency, or is so implausible that it could not be ascribed to a
 5 difference in view or the product of agency expertise.” *Id.* Agency action is also arbitrary and
 6 capricious if, when departing from a prior policy, an agency does not “display awareness
 7 that it *is* changing position” or does not “show that there are good reasons for the new
 8 policy.” *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009) (emphasis in original).

9 755. Defendants’ mass termination of grants previously awarded to
 10 Plaintiffs and the Class was arbitrary and capricious for many reasons, including (but not
 11 limited to) the following:

12 a. The Termination Notices do not provide a reasoned explanation for grant
 13 cancellations. Rather, the letters sent across all agencies generally state that the grant being
 14 cancelled no longer “effectuates” or is no longer “in alignment” with Agency priorities. That
 15 generic statement is not a reasoned explanation.

16 b. The terminations ignore the reliance interests of grantees. For example,
 17 grantees who had already received some but not all of their awards had already spent significant
 18 time working on the projects funded by their grants. Similarly, many grantees—as their grants
 19 required—took leaves of absence from their jobs, cancelled teaching plans, or otherwise altered
 20 their employment status in reliance on the promise of receiving grant money to support them
 21 while they completed their projects.

22 c. The grant terminations conflict with prior agency decisions to award the
 23 grants without providing adequate explanation for the change in agency position. All class
 24 members received their grants after a rigorous and objective application and review process that
 25 necessarily established that funded projects were meritorious and satisfied relevant criteria.
 26 Defendants have failed to provide any reason the grants fail to satisfy applicable criteria.

27 d. The mass termination of grants “entirely failed to consider. . . important
 28 aspect[s] of the problem.” *State Farm*, 463 U.S. at 43. Among other things, Defendants ignored

the waste and inefficiency caused by the terminations, given the investment that Federal Agency Defendants—and by extension, taxpayers—have already made in the terminated projects.

3 e. Defendants likewise failed to consider the significant consequences grant
4 termination will have on the individuals and organizations involved in conducting research, the
5 durability of the institutions in which they work, and on the broader public that will be deprived
6 of benefits meant to accrue from the work accomplished with the grant funding.

7 756. Defendants have failed to adequately justify their actions; have not
8 considered the substantial reliance interests at stake; have relied on factors that Congress did
9 not authorize them to consider; and have not acknowledged or justified their change from
10 prior agency positions.

11 757. In sending standardized termination letters to terminate grants *en*
12 *masse*, Defendants failed to “examine[] ‘the relevant data’ and articulate[] ‘a satisfactory

13 explanation’ for [their] decision, ‘including a rational connection between the facts found and

14 the choice made,’” *Dep’t of Commerce v. New York*, 588 U.S. 752, 773 (2019) (quoting *State*

15 *Farm*, 463 U.S. at 43). The terminations must be set aside under the APA as arbitrary and

16 capricious.

PRAYER FOR RELIEF

18 WHEREFORE, Plaintiffs respectfully request that the Court certify a UC Researchers
19 Class pursuant to Fed. R. Civ. P. 23(a)(1)-(4) and 23(b)(2), enter judgment in favor of Plaintiffs
20 and the certified Form Termination Class, Equity Termination Class, Second Form Termination
21 Class, Second Equity Termination Class, Third Form Termination Class, and Equal Protection
22 Termination Class (the “Certified UC Researchers Class”), and award Plaintiffs and the Certified
23 UC Researchers Class the following relief:

24 A. Declare as unlawful and set aside Defendants' Termination Notices that
25 terminated grants previously awarded to Plaintiffs and members of the UC Researchers Class, as
26 violative of the Constitutional separation of powers; the First and Fifth Amendment protections of
27 free speech and due process; the Impoundment Control Act; agency-specific statutes and
28 regulations, including congressional directives and appropriations acts; and the Administrative

Procedure Act;

B. Declare as *ultra vires* Defendants' decisions and implementation of the mass termination of grants to Plaintiffs and the UC Researchers Class;

C. Grant preliminary and ultimately final injunctive relief to enjoin Defendants from cutting off agency and grantee access to congressionally appropriated funding, from giving effect to the violative terminations, or undertaking any similar violative action to terminate additional duly awarded agency grants; to restore such previously awarded grants; to require Defendants to provide no-cost extensions to grantees for the time necessary to resume and complete interrupted work; and to return to the lawful and orderly grant procedures they employed prior to January 20, 2025;

D. Appoint the Named Plaintiffs as Class Representatives, and the undersigned counsel as Class Counsel, upon certification of a UC Researchers Class pursuant to Fed. R. Civ. P. 23(g);

E. Designate such additional class representatives, class counsel, and subclasses as the Court may deem appropriate at any time before final judgment, pursuant to Fed. R. Civ. P. 23(c)(1)(C) and 23(c)(5);

F. Award Plaintiffs and counsel for the Proposed Class reasonable costs and attorneys' fees; and

G. Issue such other relief as the Court deems just and proper.

Dated: November 24, 2025

By: /s/ Claudia Polsky

Erwin Chemerinsky (*pro hac vice*)
echemerinsky@law.berkeley.edu
Claudia Polksy (CA Bar No. 185505)
cpolsky@law.berkeley.edu
U.C. BERKELEY SCHOOL OF LAW
Law Building
Berkeley, CA 94720-7200
Telephone: 510.642.6483

1 Dated: November 24, 2025

2 By: /s/ Elizabeth J. Cabraser

3 Elizabeth J. Cabraser (CA Bar No. 83151)
ecabraser@lchb.com
4 Richard M. Heimann (CA Bar No. 63607)
rheimann@lchb.com
5 Kevin R. Budner (CA Bar No. 287271)
kbudner@lchb.com
6 Annie M. Wanless
awanless@lchb.com (CA Bar No. 339635)
7 LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 29th Floor
8 San Francisco, CA 94111
Telephone: 415.956.1000

9

10 Dated: November 24, 2025

11 By: /s/ Anthony P. Schoenberg

12 Anthony P. Schoenberg (CA Bar No. 203714)
tschoenberg@fbm.com
13 Donald E. Sobelman (CA Bar No. 184028)
dsobelman@fbm.com
14 Dylan M. Silva (State Bar No. 306363)
dmsilva@fbm.com
15 Linda S. Gilleran (CA Bar No. 307107)
lgilleran@fbm.com
16 Kyle A. McLorg (CA Bar No. 332136)
kmclorg@fbm.com
17 Katherine T. Balkoski (CA Bar No. 353366)
kbalkoski@fbm.com
18 FARELLA BRAUN + MARTEL LLP
One Bush Street, Suite 900
19 San Francisco, CA 94104
Telephone: 415. 954.4400

20 Attorneys for Plaintiffs and the Proposed Class

1
2
FILER'S ATTESTATION
3

4 I hereby attest that each Signatory has concurred in the filing of this document, as
5 indicated by their conformed signatures within this e-filed document.
6
7

Dated: November 24, 2025

/s/ Anthony P. Schoenberg
Anthony P. Schoenberg

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT 2

Erwin Chemerinsky (*pro hac vice*)
echemerinsky@law.berkeley.edu
Claudia Polsky (CA Bar No. 185505)
cpolsky@law.berkeley.edu
U.C. BERKELEY SCHOOL OF LAW
Law Building
Berkeley, CA 94720-7200
Telephone: 510.642.6483

Elizabeth J. Cabraser (CA Bar No. 83151)
ecabraser@lchb.com
Richard M. Heimann (CA Bar No. 63607)
rheimann@lchb.com
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111
Telephone: 415.956.1000

Anthony P. Schoenberg (CA Bar No. 203714)
tschoenberg@fbm.com
Linda S. Gilleran (CA Bar No. 307107)
lgilleran@fbm.com
FARELLA BRAUN + MARTEL LLP
One Bush Street, Suite 900
San Francisco, CA 94104
Telephone: 415. 954.4400

*Attorneys for Plaintiffs and the Proposed Class
[Additional counsel listed on signature page]*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

NEETA THAKUR, KEN ALEX, NELL GREEN NYLEN, ROBERT HIRST, CHRISTINE PHILLIOU, JEDDA FOREMAN, ELI BERMAN, SUSAN HANDY, MARCUS HORWITZ, ALEXANDER VAN DER BLIEK, and RHONDA VOSKUHL, PLAMEN ATANASSOV, and LOUISE BEDSWORTH on behalf of themselves and all others similarly situated.

Case No. 3:25-cv-4737

SECOND [PROPOSED] THIRD
**AMENDED CLASS ACTION
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

Plaintiffs,

V.

DONALD J. TRUMP, in his official capacity as
President of the United States;
DEPARTMENT OF GOVERNMENT
EFFICIENCY (“DOGE”);

1 AMY GLEASON, in her official capacity as
 2 Acting Administrator of the Department of
 3 Government Efficiency;
 4 NATIONAL SCIENCE FOUNDATION;
 5 BRIAN STONE, in his official capacity as
 6 Acting Director of the National Science
 7 Foundation;
 8 NATIONAL ENDOWMENT FOR THE
 9 HUMANITIES;
 10 MICHAEL MCDONALD, in his official
 11 capacity as Acting Chairman of the National
 12 Endowment for the Humanities;
 13 UNITED STATES ENVIRONMENTAL
 14 PROTECTION AGENCY;
 15 LEE ZELDIN, in his official capacity as
 16 Administrator of the U.S. Environmental
 17 Protection Agency;
 18 UNITED STATES DEPARTMENT OF
 19 AGRICULTURE;
 20 BROOKE ROLLINS, in her official capacity as
 21 Secretary of the U.S. Department of Agriculture;
 22 AMERICORPS (a.k.a. the CORPORATION
 23 FOR NATIONAL AND COMMUNITY
 24 SERVICE);
 25 JENNIFER BASTRESS TAHMASEBI, in her
 26 official capacity as Interim Agency Head of
 27 AmeriCorps;
 28 UNITED STATES DEPARTMENT OF
 DEFENSE;
 PETE HEGSETH, in his official capacity as
 Secretary of the U.S. Department of Defense;
 UNITED STATES DEPARTMENT OF
 EDUCATION;
 LINDA McMAHON, in her official capacity as
 Secretary of the U.S. Department of Education;
 UNITED STATES DEPARTMENT OF
 ENERGY;
 CHRIS WRIGHT, in his official capacity as
 Secretary of Energy;
 UNITED STATES DEPARTMENT OF
 HEALTH AND HUMAN SERVICES;
 ROBERT F. KENNEDY, JR., in his official
 capacity as Secretary of the U.S. Department of
 Health and Human Services;
 UNITED STATES CENTERS FOR DISEASE
 CONTROL;
 MATTHEW BUZZELLI, in his official capacity
 as Acting Director of the Centers for Disease
 Control;
 UNITED STATES FOOD AND DRUG
 ADMINISTRATION;
 MARTIN A. MAKARY, in his official capacity
 as Commissioner of the Food and Drug
 Administration;
 UNITED STATES NATIONAL INSTITUTES

1 OF HEALTH;
2 JAYANTA BHATTACHARYA, in his official
3 capacity as Director of the National Institutes of
4 Health;
5 INSTITUTE OF MUSEUM AND LIBRARY
6 SERVICES;
7 KEITH SONDERLING, in his official capacity
8 as Acting Director of the Institute of Museum
and Library Services;
9 UNITED STATES DEPARTMENT OF THE
INTERIOR;
10 DOUG BURGUM, in his official capacity as
Secretary of the Interior;
11 UNITED STATES DEPARTMENT OF STATE;
12 MARCO RUBIO, in his official capacity as
Secretary of the U.S. Department of State;
13 DEPARTMENT OF TRANSPORTATION;
14 SEAN DUFFY, in his official capacity as
Secretary for the U.S. Department of
Transportation,
15 Defendants.

16 _____
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF CONTENTS

	Page
INTRODUCTION	1
JURISDICTION AND VENUE	6
THE PARTIES	7
A. Plaintiffs	7
B. Defendants.....	8
CLASS ALLEGATIONS	1112
FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS	1517
I. Throughout Decades of Federal Funding, the UC System Has Made Leading Contributions to Research that Benefit the Public	1517
II. Congress's Power of the Purse Makes Illegal the Mass Termination of Grants at the Presidentw's President's Direction	1921
III. President Trump Issues a Flurry of Executive Orders and Creates DOGE, Unlawfully Directing Agencies to Terminate Grants	2123
IV. Agencies that Terminated Lead Plaintiffs' Grants Have Acted According to a Common Unlawful Pattern	2527
A. Environmental Protection Agency	2628
1. Congress Established the EPA to Protect the Environment, Including Through Research	2629
2. In Response to Trump Administration Directives, the EPA Improperly Changed Priorities and Canceled Existing Grants	3433
3. EPA Plaintiffs and Other Grant Recipients Are Harmed by EPA's Illegal Grant Terminations	3638
a. Plaintiff Neeta Thakur's Grant Termination and Resulting Harm.....	3639
b. Plaintiff Ken Alex's Grant Termination and Resulting Harm ..	4043
c. Plaintiff Nell Green Nylen's Grant Terminations and Resulting Harm	4245
B. National Endowment for the Humanities.....	4851
1. Congress Established NEH to Fund Projects to Support Humanities Research, Training, and Education	4851
2. In Response to Trump Administration Directives, NEH Improperly Changed Priorities and Canceled Existing Grants	5356
3. NEH Plaintiffs And Other Grant Recipients Are Harmed by NEH's Illegal Grant Terminations	5861
a. Plaintiff Robert Hirst's Grant Termination and Resulting Harm.....	5862
b. Plaintiff Christine Philliou's Grant Termination and Resulting Harm	6266
C. National Science Foundation	6469

1
2 **TABLE OF CONTENTS**
3 (continued)
4

	Page
<p>3 12. Congress Established the National Science Foundation to Promote 4 Scientific Research on a Broad Scale to Advance the United States' 5 National Interests 23. In Response to Trump Administration Directives, NSF Improperly 6 Changed Priorities and Canceled Existing Grants 34. NSF Plaintiff and Other Grant Recipients Are Harmed by NSF's 7 Illegal Grant Terminations 8 a. Plaintiff Jedda Foreman's Grant Terminations and Resulting 9 Harm..... D. Department of Defense 10 1. Congress Established DOD to Create a Comprehensive Program 11 Dedicated to Ensuring the Future Security of the United States, 12 Including Through Research 13 2. In Response to Trump Administration Directives, DOD Improperly 14 Changed Priorities and Canceled Existing Grants 15 3. DOD Plaintiff and Other Grant Recipients Are Harmed by DOD's 16 Illegal Grant Terminations 17 a. Plaintiff Eli Berman's Grant Termination and Resulting 18 Harm..... E. Department of Transportation 19 1. Congress Established DOT to Promote the Safety, Quality, and 20 Efficiency of the Nation's Transportation Services, Including 21 Through Research 22 2. In Response to Trump Administration Directives, DOT Improperly 23 Changed Priorities and Canceled Existing Grants 24 3. DOT Plaintiff and Other Grant Recipients Are Harmed by DOT's 25 Illegal Grant Terminations 26 b. Plaintiff Susan Handy's Grant Terminations and Resulting 27 Harm..... F. Department of Health and Human Services and National Institutes of 28 Health 29 1. Congress Established NIH to Fund Medical Research on a Broad 30 Scale to Advance Human Health and Well-Being in the United 31 States 32 2. In Response to Trump Administration Directives, HHS Through 33 NIH Improperly Changed Priorities and Canceled Existing Grants 34 3. NIH Plaintiffs and Other Grant Recipients Are Harmed by NIH's 35 Illegal Grant Terminations 36 a. Plaintiff Marcus A. Horwitz's Grant Termination and 37 Resulting Harm <u>NIH TB Vaccine Grant Application and Award</u> <u>NIH Latent TB Treatment Grant Application and Award</u></p>	6569 6973 7378 7478 7983 7983 8489 8691 8691 9196 9196 96102 101107 101107 107112 107113 120125 125130 125131 131 132

1
2 **TABLE OF CONTENTS**
3 (continued)
4

		Page
3	b. Plaintiff Alexander Van Der Bliek's Grant Termination and Resulting Harm	<u>130</u> <u>135</u>
4	c. Plaintiff Rhonda Voskuhl's Grant Termination and Resulting Harm	<u>132</u> <u>138</u>
5	G. <u>The Department of Energy</u>	<u>141</u>
6	1. <u>Congress created the Department of Energy to promote energy research, innovation, and conservation; to promote U.S. energy independence; and to develop alternatives to fossil fuels.</u>	<u>141</u>
7	2. <u>In Response to Trump Administration Directives, DOE Improperly Changed Priorities and Canceled Existing Grants</u>	<u>141</u>
8	3. <u>DOE Terminates Funding to Awardees Exclusively in "Blue" States</u>	<u>143</u>
9	4. <u>DOE Plaintiffs and Other Grant Recipients Are Harmed by DOE's Illegal Grant Terminations</u>	<u>146</u>
10	a. <u>Plaintiff Plamen Atanassov's Grant Terminations and Resulting Harm</u>	<u>146</u>
11	b. <u>Plaintiff Louise Bedsworth's Grant Termination and Resulting Harm</u>	<u>154</u>
12	G.H. Allegations Against Additional Federal Agency Defendants	<u>135</u> <u>157</u>
13	1. Department of Agriculture	<u>135</u> <u>157</u>
14	2. AmeriCorps	<u>137</u> <u>158</u>
15	3. Department of Education	<u>138</u> <u>160</u>
16	4. <u>Department of Energy</u>	<u>139</u>
17	5. Institute of Museum and Library Services	<u>140</u> <u>161</u>
18	6. Department of the Interior, including National Park Service	<u>141</u> <u>162</u>
19	7. Department of State, including USAID	<u>142</u> <u>163</u>
20	V. The Trump Administration Is Threatening Additional, Illegal Funding Cuts to the UC System	<u>143</u> <u>163</u>
21	VI. Unless Enjoined, Grant Terminations Will Cause Irreparable Harm to Plaintiffs, the Class, and the Nation.....	<u>143</u> <u>164</u>
22	CLAIMS FOR RELIEF	<u>144</u> <u>165</u>
23	COUNT I – Implied Right of Action, Nonstatutory Review, and <i>Ultra Vires</i> Actions; Violation of Separation of Powers	<u>144</u> <u>165</u>
24	COUNT II – Implied Right of Action, Nonstatutory Review, and <i>Ultra Vires</i> Actions; Violation of First Amendment (Content and Viewpoint Discrimination)	<u>145</u> <u>166</u>
25	COUNT III –Implied Right of Action, Nonstatutory Review, and <i>Ultra Vires</i> Actions; Violation of Fifth Amendment (Due Process / <u>Equal Protection</u>)	<u>167</u>
26	COUNT IV <u>Implied Right of Action, Nonstatutory Review, and <i>Ultra Vires</i> Actions; Violation of Fifth Amendment (Due Process / Void for Vagueness)</u>	<u>146</u> <u>168</u>

TABLE OF CONTENTS (continued)

	Page
2	
3	COUNT <u>IV-V</u> Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (C): Contrary to Law; Illegal Departure from Impoundment Control Act, Statutes, and Regulations..... <u>147</u> <u>169</u>
4	
5	COUNT <u>V-VI</u> Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A): Arbitrary and Capricious Failure to Engage in Reasoned Decision-making <u>148</u> <u>170</u>
6	
	PRAAYER FOR RELIEF..... <u>150</u> <u>172</u>

1 Plaintiffs, individually and on behalf of all others similarly situated, allege for their
 2 Complaint against the below-named Defendants as follows:

3 **INTRODUCTION**

4 1. This class action for declaratory and injunctive relief is brought by and
 5 on behalf of University of California researchers whose previously approved grants from the
 6 federal agencies here named as Defendants have been or are threatened to be unlawfully
 7 terminated or suspended. These terminations and suspensions occurred pursuant to Executive
 8 Orders or other directives of Defendant President Donald J. Trump, issued from January 20,
 9 2025 to present, that were implemented through Defendant Department of Government
 10 Efficiency (“DOGE”) and then operationalized by myriad administrative agencies.

11 2. Plaintiffs challenge these terminations and seek a declaration that they
 12 are unconstitutional and otherwise unlawful because they violate the bedrock constitutional
 13 principle of separation of powers; the First Amendment guarantee of free speech; the Fifth
 14 Amendment guarantee of due process; the Impoundment Control Act of 1974; statutes
 15 requiring agencies to fulfill congressionally defined missions; and the Administrative
 16 Procedure Act (“APA”). These terminations bypassed Congress, ignored or contradicted the
 17 purposes for which Congress created the granting agencies and appropriated funds, and
 18 dispensed with the regular procedures and due process afforded grantees under the APA, in
 19 implementing the Trump Administration’s political “cost-cutting” agenda and ideological
 20 purity campaign.

21 3. Plaintiffs seek, for themselves and the UC researchers class, an
 22 injunction that restores their lost funding, enjoins further unlawful grant terminations or
 23 suspensions, and provides the grant extensions necessary to enable them to effectively
 24 complete the work for which these grants were approved. Plaintiffs and the Class are
 25 suffering, or will imminently suffer, concrete harm to their research, their careers, and their
 26 professional standing.

27 4. As used in this Complaint, “UC researchers” includes UC faculty, staff,
 28 academic appointees, and employees, across the ten-campus University of California system,

1 who are or will imminently be suffering loss of research funding, research cessation or
 2 interruption, or loss or reduction of employment, by the termination or suspension of
 3 previously approved grants since January 20, 2025.

4 5. Grants to UC researchers each year from federal agencies as diverse as
 5 the National Science Foundation, National Institutes of Health, Department of Transportation,
 6 and Food and Drug Administration, ranging from thousands to millions of dollars, fund the
 7 production of new knowledge and fuel the development and deployment of discoveries useful
 8 to society.

9 6. Federal grants have been key to the innovation that has consistently
 10 earned the UC system pride of place among research institutions, including first place in the
 11 National Academy of Inventors' list of universities worldwide with the most utility patents¹
 12 and the UC Berkeley campus's rank of #1 public research in institution in the world for nine
 13 of the past ten years.²

14 7. Before President Trump took office, federal agency grant making
 15 proceeded under the authority of Congress, which created agencies through its
 16 constitutionally assigned exclusive legislative power, and appropriated taxpayer funds for
 17 specific public purposes that the agencies were tasked to execute. For decades, agencies
 18 carried out these statutory directives and observed due process in making, renewing, and (only
 19 seldom) terminating grants. They each adhered to their own grant regulations, duly
 20 promulgated through notice and comment rulemaking under the APA, and followed APA
 21 procedures when modifying such regulations.

22 8. As a corollary, on the rare occasions when agencies terminated grants,
 23 they did so pursuant to predictable, regularized processes; based terminations on proper
 24

25 ¹ Univ. of Cal., Office of the President, *Federal Investment in UC Research 2025* (2025),
 26 https://ucop.edu/communications/_files/federal-investment-in-uc-research-2025.pdf.

27 ² Public Affairs, *Times Higher Ed Ranks UC Berkeley No. 1 Public University in U.S.*, UC
 28 Berkeley News (Oct. 9, 2024), <https://news.berkeley.edu/2024/10/09/times-higher-ed-ranks-uc-berkeley-no-1-public-university-in-u-s/#:~:text=Berkeley%20has%20held%20the%20ranking,industry%20engagement%20and%20international%20outlook>.

1 review and evaluation of grantees' activities to assure compliance with the terms and purpose
 2 of the awarded grants; and terminated grants only for reasons stated in applicable regulations.

3 9. All of this changed abruptly on January 20, 2025, when Defendant
 4 Trump attempted to seize direct control of federal agencies by bypassing Congress and
 5 upending the statutory and regulatory system under which federal agencies have historically
 6 and legally operated.

7 10. On and after January 20, 2025, Defendants Trump and DOGE, through
 8 a flurry of Executive Orders and other directives, commanded the federal agencies named as
 9 Defendants in this Complaint ("Federal Agency Defendants") to terminate thousands of
 10 previously awarded research grants.

11 11. Abrupt, wholesale, and unilateral termination of these grants has
 12 violated the Constitution's core principle of separation of powers and its guarantees of
 13 freedom of speech and due process; flouted the Impoundment Control Act limits on the
 14 Executive's ability to withhold or redirect congressionally appropriated money; ignored
 15 statutory requirements that agencies fulfill their substantive missions and fund
 16 congressionally specified activities; contravened agency-specific grant-making regulations
 17 that cannot by law be revised on an abrupt, unexplained, chaotic basis; and violated the APA
 18 through this arbitrary, capricious, and *ultra vires* conduct.

19 12. The "Wall of Receipts" on the DOGE website boasts that federal
 20 agencies have terminated over 15,000 grants pursuant to DOGE's directions to date, reflecting
 21 terminations on a mass scale.³

22 13. Agencies' proffered grounds for such terminations—if grounds were
 23 stated at all—were spurious. In some cases, agency correspondence to grantees asserted that
 24 grant termination would reduce public costs and promote government efficiency, although no
 25 evidence was provided to support this claim. In other cases, agency communications made it

27 ³ Department of Government Efficiency, *Wall of Receipts*, DOGE.gov, <https://doge.gov/savings>
 28 (last visited May 30, 2025). While of questionable accuracy, the data displayed on the DOGE
 website demonstrate the Trump/DOGE objective: massive cuts to already appropriated and
 approved grants, without regard to merit.

1 clear that grants were being terminated to further Defendant Trump's political objectives,
 2 which included the elimination of research on climate, environmental justice, "gender
 3 ideology," and "DEI" (diversity, equity, and inclusion), although the latter terms were not
 4 defined.

5 14. The agencies that terminated grants did so on a categorical, *en masse*
 6 basis, without individual review or regard to a project's merit or a grantee's progress, and
 7 without any semblance of due process. The terminated and threatened grants that are the
 8 subject of this action were not terminated because they violated the terms of their grant
 9 applications or grant approvals, or strayed from the subject matter or purpose for which they
 10 were funded. Such deficiencies could have been addressed in the normal and ordered course
 11 of grant-making and review. To the contrary: these grant terminations were and are occurring,
 12 as their timing and reflection of the 2025 Executive Orders demonstrates, not because the
 13 research for which funding was approved had departed from its originally approved purpose,
 14 but because that purpose now offends the political agenda and ideological requirements of the
 15 Trump Administration.

16 15. Plaintiffs do not seek an Order immunizing all grants from termination
 17 or review, or changing agency grantmaking procedures as they existed prior to January 20,
 18 2025. They do seek a return to the *status quo ante* of ordered grant processes, aligned with
 19 congressionally authorized purposes, and affording due process to grant recipients. This return
 20 to procedures that prevailed prior to January 20, 2025, and conformed to the norms of due
 21 process and the APA, by federal agencies that defer not to unilateral Executive dictates but to
 22 congressional authority, is the essential relief Plaintiffs seek.

23 16. Examining similar unlawful executive branch conduct by Defendants
 24 Trump and DOGE in the attempted reorganization (and gutting) of entire agencies, and the
 25 mass termination of hundreds of thousands of federal employees, the United States District
 26 Court (Illston, J.) stated in its May 22, 2025 Order Granting Preliminary Injunction in
 27 *American Federation of Government Employees, AFL-CIO v. Trump*, ~~Case No. 25-cv-03698~~

1 [51 \(Dkt. 124, 784 F. Supp. 3d 1316 \(May 22, 2025\), vacated and remanded by Am. Fed'n of](#)
 2 [Gov't Emps. v. Trump, F.4th , 2025 WL 2716266 \(Sept. 19, 2025\):](#)

3 Presidents may set policy priorities for the executive branch, and
 4 agency heads may implement them. This much is undisputed. But
 5 Congress creates federal agencies, funds them, and gives them duties
 6 that—by statute—they must carry out. Agencies may not conduct
 7 large-scale reorganizations and reductions in force in blatant
 8 disregard of Congress’ mandates, and a President may not initiate
 9 large-scale executive branch reorganization without partnering with
 10 Congress. For this reason, nine Presidents over the last one hundred
 11 years have sought and obtained authority from Congress to
 12 reorganize the executive branch. Other Presidents—including
 13 President George W. Bush, President Obama, and President Trump
 14 in his first term—asked Congress for agency reorganization authority
 15 but did not receive it.

16 17. In denying Defendants’ request for a stay of the preliminary injunction
 17 in that case, the Ninth Circuit reaffirmed the bedrock principles that administrative agencies
 18 are creatures of Congress, not the President, and that “Congress has plenary control over the
 19 salary, duties, and even existence of federal offices.” *Am. Fed'n of Gov't Emps. v. Trump, —*
 20 *139 F.4th— 1020, 1033* (May 30, 2025) (citing *Free Enter. Fund v. Pub. Co. Acct. Oversight Bd.*, 561 U.S. 477,500 (2010)).

21 18. Here, Defendants have engaged in the same unprecedented and
 22 unlawful overreach described and enjoined above, in the context of mass terminations of
 23 research grants. Their playbook involves a trifecta of illegal moves. First, Defendant Trump
 24 issued facially unconstitutional Executive Orders and directives that usurped congressional
 25 authority and unlawfully discriminated against disfavored speech. Second, acting on
 26 presidential instruction, Defendant DOGE commanded agencies to adopt Trump’s policies as
 27 their own by terminating scores of already awarded grants, notwithstanding that DOGE
 28 (whose own status as a governmental entity remains unclear) lacks legal authority to supervise
 29 administrative agencies. Third and finally, Federal Agency Defendants terminated grants on
 30 the stated basis that they were inconsistent with *agency priorities*, or otherwise in tension with
 31 Executive Orders and directives, when in fact the grants’ inconsistency was with *executive*

preferences. In so doing, agencies violated their statutory mandates, the APA, the constitutional Due Process guarantee, and their own regulations.

19. Plaintiff UC researchers have suffered concrete financial, professional, and other harms from Federal Agency Defendants' unilateral termination of grants for projects to which they have already dedicated time and effort; for research upon which they have staked careers and reputations; and for work with research teams through which they endeavored to train a next generation. Without judicial relief, these researchers will suffer irreparable injury to their research and their careers.

20. As profoundly, these terminations have impaired and will impair the public-serving research mission of the UC system and the concern for public welfare that undergirds it.

21. All of the Defendants' conduct, and the Plaintiffs' and Class members' resulting harm, proceeds directly from Defendant Trump's determination to erase the constitutional boundaries that separate the branches of government and assign defined powers to each. Specifically, the mass termination of federal agency grants that is the subject of this action proceeds from Defendant Trump's efforts to arrogate the law-making powers of Congress to himself.

22. Plaintiffs and the Proposed Class will continue to suffer harm on an ongoing basis and will experience increasing and irreparable harm absent the declaratory and injunctive relief here sought.

JURISDICTION AND VENUE

23. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 because this action arises under federal law, including the United States Constitution, federal statutes, and the Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*, and 5 U.S.C. §§ 702, 704. An actual controversy exists between the parties within the meaning of 28 U.S.C. § 2201(a), and this Court may grant declaratory relief, injunctive relief, and other appropriate relief pursuant to 28 U.S.C. §§ 2201-02 and 5 U.S.C. §§ 705-06.

1 24. Venue is proper in this District pursuant to 28 U.S.C. § 1331(e)(1)
2 because Defendants are officers and agencies of the United States served in their official
3 capacities, no real property is at issue in this case, and the many Plaintiffs and many members
4 of the Proposed Class are citizens of California and are residents of this District, where many
5 of the federal grant terminations that are the subject of this suit, and the resulting harms to
6 Plaintiffs and the Class, have occurred and will continue to occur unless enjoined.

THE PARTIES

A. Plaintiffs

9 25. Individual Plaintiff and Class Representative Neeta Thakur is a citizen
10 of the United States and the State of California, and a member of the faculty at the University
11 of California, San Francisco (“UCSF”), who engages in research. She resides in the Northern
12 District of California.

13 26. Individual Plaintiff and Class Representative Ken Alex is a citizen of
14 the United States and the State of California, and has an academic appointment as a researcher
15 at the University of California, Berkeley (“UC Berkeley”). He resides in the Northern District
16 of California.

17 27. Individual Plaintiff and Class Representative Robert Hirst is a citizen of
18 the United States and the State of California, and has an academic appointment as a researcher
19 at the Bancroft Library at UC Berkeley. He resides in the Northern District of California.

20 28. Individual Plaintiff and Class Representative Christine Philliou is a
21 citizen of the United States and the State of California, and a member of the faculty at UC
22 Berkeley who engages in research. She resides in the Northern District of California.

23 29. Individual Plaintiff Nell Green Nylen is a citizen of the United States
24 and the State of California, and has an academic appointment as a researcher at UC Berkeley.
25 She resides in the Northern District of California.

26 30. Individual Plaintiff and Class Representative Jedda Foreman is a citizen
27 of the United States and the State of California, and has an academic appointment as a
28 researcher at UC Berkeley. She resides in the Northern District of California.

1 31. Individual Plaintiff and Class Representative Eli Berman is a citizen of
 2 the United States and the State of California, and has an academic appointment as a researcher
 3 at the University of California, San Diego. He resides in San Diego County.

4 32. Individual Plaintiff and Class Representative Susan Handy is a citizen
 5 of the United States and the State of California, and a member of the faculty at the University
 6 of California, Davis. She resides in Yolo County.

7 33. Individual Plaintiff and Class Representative Marcus Horwitz is a
 8 citizen of the United States and the State of California, and a member of the faculty at the
 9 University of California, Los Angeles (“UCLA”), who engages in research. He resides in the
 10 Central District of California.

11 34. Individual Plaintiff and Class Representative Alexander van der Blik
 12 is a citizen of the United States and the State of California, and a member of the faculty at
 13 UCLA, who engages in research. He resides in the Central District of California.

14 35. Individual Plaintiff and Class Representative Rhonda Voskuhl is a
 15 citizen of the United States and the State of California, and a member of the faculty at UCLA,
 16 who engages in research. She resides in the Central District of California.

17 36. Individual Plaintiff and Class Representative Plamen Atanassov is a citizen
 18 of the United States, a resident of the State of California, and a member of the faculty at UC
 19 Irvine, who engages in research. He resides in the Central District of California.

20 37. Individual Plaintiff and Class Representative Louise Bedsworth is a citizen
 21 of the United States, a resident of the State of California, and a member of the faculty at UC
 22 Berkeley, who engages in research. She resides in the Northern District of California.

23 **B. Defendants**

24 38. 36.-Defendant Donald J. Trump is the President of the United States and is
 25 sued in his official capacity.

26 39. 37.-Defendant Department of Government Efficiency (“DOGE”) is a
 27 federal agency headquartered in Washington, D.C. DOGE is a federal agency within the

1 meaning of the APA, 5 U.S.C. §551(1). Upon information and belief, DOGE is now headed
 2 by Defendant Trump and every member of his cabinet.

3 40. 38. Defendant Amy Gleason is the Acting Administrator of DOGE and is
 4 sued in her official capacity.

5 41. 39. The following federal departments and agencies, including their
 6 identified leaders, are sometimes referred to collectively herein as the “Federal Agency
 7 Defendants.”

8 42. 40. Defendant National Science Foundation (“NSF”) is a federal agency
 9 headquartered in Alexandria, Virginia. NSF is a federal agency within the meaning of the
 10 APA, 5 U.S.C. § 551(1).

11 43. 41. Defendant Brian Stone is Acting Director of NSF and is sued in his
 12 official capacity.

13 44. 42. Defendant National Endowment for the Humanities (“NEH”) is a
 14 federal agency headquartered in Washington, D.C. NEH is a federal agency within the
 15 meaning of the APA, 5 U.S.C. § 551(1).

16 45. 43. Defendant Michael McDonald is Acting Chairman of NEH and is sued
 17 in his official capacity.

18 46. 44. Defendant United States Environmental Protection Agency (“EPA”) is
 19 a federal agency headquartered in Washington, D.C. EPA is a federal agency within the
 20 meaning of the APA, 5 U.S.C. § 551(1).

21 47. 45. Defendant Lee Zeldin is the Administrator for the EPA and is sued in
 22 his official capacity.

23 48. 46. Defendant United States Department of Agriculture (“USDA”) is a
 24 federal agency headquartered in Washington, D.C. USDA is a federal agency within the
 25 meaning of the APA, 5 U.S.C. § 551(1).

26 49. 47. Defendant Brooke Rollins is Secretary of USDA and is sued in her
 27 official capacity.

1 50. ~~48.~~ Defendant AmeriCorps, also known as the Corporation for National
 2 and Community Service, is a federal agency headquartered in Washington, D.C. AmeriCorps
 3 is a federal agency within the meaning of the APA, 5 U.S.C. § 551(1).

4 51. ~~49.~~ Defendant Jennifer Bastress Tahmasebi is Interim Agency Head of
 5 AmeriCorps and is sued in her official capacity.

6 52. ~~50.~~ Defendant United States Department of Defense (“Defense”) is a
 7 federal agency headquartered in Washington, D.C. Defense is a federal agency within the
 8 meaning of the APA, 5 U.S.C. § 551(1).

9 53. ~~51.~~ Defendant Pete Hegseth is Secretary of Defense and is sued in his
 10 official capacity.

11 54. ~~52.~~ Defendant United States Department of Education (“Education”) is a
 12 federal agency headquartered in Washington, D.C. Education is a federal agency within the
 13 meaning of the APA, 5 U.S.C. § 551(1).

14 55. ~~53.~~ Defendant Linda McMahon is Secretary of Education and is sued in her
 15 official capacity.

16 56. ~~54.~~ Defendant United States Department of Energy (“DOE”) is federal
 17 agency headquartered in Washington, D.C. DOE is a federal agency within the meaning of the
 18 APA, 5 U.S.C. § 551(1).

19 57. ~~55.~~ Defendant Chris Wright is Secretary of DOE and is sued in his official
 20 capacity.

21 58. ~~56.~~ Defendant United States Department of Health and Human Services
 22 (“HHS”) is a federal agency headquartered in Washington, D.C. HHS is a federal agency
 23 within the meaning of the APA, 5 U.S.C. § 551(1).

24 59. ~~57.~~ Defendant Robert F. Kennedy, Jr. is Secretary of HHS and is sued in
 25 his official capacity.

26 60. ~~58.~~ Defendant United States Centers for Disease Control (“CDC”), housed
 27 within HHS, is federal agency headquartered in Atlanta, Georgia. CDC is a federal agency
 28 within the meaning of the APA, 5 U.S.C. § 551(1).

1 61. ~~59.~~ Defendant Matthew Buzzelli is Acting Director of CDC and is sued in
 2 his official capacity.

3 62. ~~60.~~ Defendant United States Food and Drug Administration (“FDA”),
 4 housed within HHS, is a federal agency headquartered in Silver Spring, Maryland. FDA is a
 5 federal agency within the meaning of the APA, 5 U.S.C. § 551(1).

6 63. ~~61.~~ Defendant Martin Makary is Commissioner of the FDA and is sued in
 7 his official capacity.

8 64. ~~62.~~ Defendant United States Institutes of Health (“NIH”), housed within
 9 HHS, is federal agency headquartered in Bethesda, Maryland. NIH is a federal agency within
 10 the meaning of the APA, 5 U.S.C. § 551(1).

11 65. ~~63.~~ Defendant Jayanta Bhattacharya is Director of NIH and is sued in his
 12 official capacity.

13 66. ~~64.~~ Defendant Institute of Museum and Library Services (“IMLS”) is a
 14 federal agency headquartered in Washington, D.C. IMLS is a federal agency within the
 15 meaning of the APA, 5 U.S.C. § 551(1).

16 67. ~~65.~~ Defendant Keith Sonderling is Acting Director of IMLS and is sued in
 17 his official capacity.

18 68. ~~66.~~ Defendant United States Department of the Interior (“Interior or DOI”)
 19 is a federal agency headquartered in Washington, D.C. Interior is a federal agency within the
 20 meaning of the APA, 5 U.S.C. § 551(1).

21 69. ~~67.~~ Defendant Doug Burgum is Secretary of the Interior and is sued in his
 22 official capacity.

23 70. ~~68.~~ Defendant United States Department of State (“State”) is a federal
 24 agency headquartered in Washington, D.C. State is a federal agency within the meaning of the
 25 APA, 5 U.S.C. § 551(1).

26 71. ~~69.~~ Defendant Marco Rubio is Secretary of State and is sued in his official
 27 capacity.

1 72. ~~70.~~ Defendant Department of Transportation (“DOT”) is a federal agency
 2 headquartered in Washington, D.C. DOT is a federal agency within the meaning of the APA,
 3 5 U.S.C. § 551(1).

4 73. ~~71.~~ Defendant Sean Duffy is Secretary of DOT and is sued in his official
 5 capacity.

6 **CLASS ALLEGATIONS**

7 74. ~~72.~~ Neeta Thakur, Ken Alex, Nell Green Nylen, Robert Hirst, Christine
 8 Philliou, Jedda Foreman, Eli Berman, ~~and~~ Susan Handy, Marcus Horwitz, Alexander van der
 9 Bliek, Rhonda Voskuhl, Plamen Atanassov, and Louise Bedsworth (“Plaintiffs” or “Class
 10 Representatives”) bring this action as a class action for declaratory and injunctive relief
 11 pursuant to Federal Rule of Civil Procedure 23(a)(1)-(4) and 23(b)(2). They bring this suit on
 12 behalf of themselves and all similarly situated University of California researchers whose
 13 federally funded grants have been or will be imminently terminated or suspended by
 14 Defendants absent (a) a declaratory judgment that such Executive Orders and directives are
 15 illegal; and (b) injunctive relief enjoining further terminations and restoring the terminated
 16 grants to enable class members to complete their interrupted work. ~~These Class~~
 17 ~~Representatives seek certification of two classes, as defined by the Court in her Order~~
 18 ~~Granting Motion for Preliminary Injunction and Provisional Class Certification (ECF 54),~~
 19 ~~modified to include the additional Federal Agency Defendants that terminated Plaintiff~~
 20 ~~Berman’s and Plaintiff Handy’s grants:~~

21 75. On June 23, 2025, the Court ordered that a preliminary injunction be
 22 entered as to two classes. Dkt. 55.

23 The Form Termination Class consists of:

24 All University of California researchers, including faculty, staff,
 25 academic appointees, and employees across the University of
 26 California system who are named as principal researchers,
 27 investigators, or project leaders on the grant applications for
 28 previously awarded research grants by the EPA, NSF, or NEH (or
their sub-agencies) that are terminated by means of a form
termination notice that does not provide a grant-specific
explanation for the termination that states the reason for the change
to the original award decision and considers the reliance interests

1 at stake, from and after January 20, 2025.

2 Excluded from the class are Defendants, the judicial officer(s)
 3 assigned to this case, and their respective employees, staffs, and
family members.

4 The Equity Termination Class consists of:

5 All University of California researchers, including faculty, staff,
 6 academic appointees, and employees across the University of
 7 California system who are named as principal researchers,
 8 investigators, or project leaders on the grant applications for
 9 previously awarded research grants by the EPA, ~~NEH~~, NSF, ~~DOD~~,
 10 or ~~DOT~~NEH (or their sub-agencies) that are terminated pursuant to
 11 Executive Orders 14151 or 14173, from and after January 20,
 12 2025.

13 Excluded from the class are Defendants, the judicial officer(s)
 14 assigned to this case, and their respective employees, staffs, and
 15 family members.

16 76. On September 22, 2025, the Court ordered that a second preliminary
 17 injunction be entered as to two classes. Dkt. 134.

18 The Second Form Termination Class consists of:

19 All University of California researchers, including faculty, staff,
 20 academic appointees, and employees across the University of
 21 California system who are named as principal researchers,
 22 investigators, or project leaders on the grant applications for
 23 previously awarded research grants by ~~the EPA, NEH, NSF, DOD~~,
 24 or ~~DOT~~on behalf of, DoD, DoT, and NIH (or their sub-agencies)
 25 that are terminated by means of a form termination notice that does
 26 not provide a grant-specific explanation for the termination that
 27 states the reason for the change to the original award decision and
 28 considers the reliance interests at stake, from and after January 20,
 29 2025.

30 Excluded from the class are Defendants, the judicial officer(s)
 31 assigned to this case, and their respective employees, staffs, and
32 family members.

33 The Second Equity Termination Class consists of:

34 All University of California researchers, including faculty, staff,
 35 academic appointees, and employees across the University of
 36 California system who are named as principal researchers,
 37 investigators, or project leaders on the grant applications for
 38 previously awarded research grants by, or on behalf of, DoT (or its
39 sub-agencies) that are terminated pursuant to Executive Orders
40 14151 or 14173 from and after January 20, 2025.

1 Excluded from the class are Defendants, the judicial officer(s)
 2 assigned to this case, and their respective employees, staffs, and
family members.

3
 4 77. Plaintiffs seek a Third Form Termination Class consistent with the Court's
 5 Order Granting Motion for Preliminary Injunction and Provisional Class Certification (Dkt.
 6 54) and Order Granting Plaintiffs' Motions for Preliminary Injunction and Provisional Class
 7 Certification as to Additional Agency Defendants, As Modified (Dkt. 133):

8 The Third Form Termination Class consists of:

9 All University of California researchers, including faculty, staff,
 10 academic appointees, and employees across the University of
 11 California system who are named as principal researchers,
 12 investigators, or project leaders on the grant applications for
 13 previously awarded research grants by the DOE that are terminated
by means of a form termination notice that does not provide a
grant-specific explanation for the termination that states the reason
for the change to the original award decision and considers the
reliance interests at stake, from and after January 20, 2025.

14 Excluded from the class are Defendants, the judicial officer(s)
 15 assigned to this case, and their respective employees, staffs, and
family members.

16 78. Plaintiffs further seek a new Equal Protection Termination Class relating to
 17 DOE terminations that violate the equal protection guarantee provided in the Due Process
 18 Clause of the Fifth Amendment:

19 All University of California researchers, including faculty, staff,
 20 academic appointees, and employees across the University of
 21 California system who are named as principal researchers,
 22 investigators, or project leaders on the grant applications for
 23 previously awarded research grants by the DOE that were included
in the 314 grants that DOE terminated on or around October 2,
2025, which Plaintiffs allege was done in violation of the equal
protection guarantee of the Fifth Amendment.

24 Excluded from the class are Defendants, the judicial officer(s)
 25 assigned to this case, and their respective employees, staffs, and
family members.

26 79. 73. This action meets all of the Rule 23(a) prerequisites for maintaining a
 27 class action. The Plaintiff Class is so numerous that individual joinder of all its members is
 28 impracticable, satisfying Rule 23(a)(1). The ten-campus UC System has more than 265,000

1 faculty and staff,⁴ hundreds to thousands of whom conduct billions of dollars of federally
 2 funded research annually. In 2024, for example, UC Berkeley researchers alone received
 3 nearly \$1 billion in new research grants. Of this amount, 51% (approximately \$420 million),
 4 came from federal grants. On this single campus, as of May 15, 2025, there were more than
 5 2,000 open federal research grants (*i.e.*, ones whose termination date has not arrived). Many
 6 of these have now been terminated, suspended, or face imminent termination by the unlawful
 7 actions of Defendants. Plaintiffs do not yet know the exact number of the UC researchers
 8 whose work has been terminated or imminently threatened by the Defendants' conduct at
 9 issue in this suit, but are informed and believe that hundreds or thousands of researchers'
 10 grants and work, and their research staff's jobs, have been and will be impacted by such
 11 conduct. For example, the National Science Foundation (NSF) published a list of terminated
 12 grants that includes nearly 80 grants terminated across the UC System by *NSF alone*; a quick
 13 review of the terminated grants suggests terminations occurred because the grant titles contain
 14 now-suspect DEI-related words such as "equity."⁵ A preliminary list of over 30 terminated
 15 grants across several federal agencies at UC Berkeley shows the same pattern. Further,
 16 databases compiled by news media and nonprofits have also identified over 100 National
 17 Institutes of Health (NIH) grants made to UCSF, UC Los Angeles, and UC San Diego
 18 researchers that have since been terminated.⁶

19 80. 74-The claims of the Plaintiff Class members share important and indeed
 20 pivotal common questions of law and fact, including but not limited to whether the
 21 Defendants' actions pursuant to the Executive Orders and directives described in this
 22 Complaint are unconstitutional and unlawful exercises of executive power, because they
 23

24 ⁴ Univ. of California, *About Us*, <https://www.universityofcalifornia.edu/about-us#:~:text=The%20University%20of%20California%20opened,and%20working%20around%20the%20world>. (last visited May 28, 2025).

25 ⁵ NSF, *Is there a publicly available list of the awards NSF has terminated?*,
<https://www.nsf.gov/updates-on-priorities#termination-list> (last updated May 23, 2025).

26 ⁶ Irena Hwang et al., *The Gutting of America's Medical Research: Here is Every Canceled or
 Delayed N.I.H. Grant*, N.Y. Times (June 4, 2025),
<https://www.nytimes.com/interactive/2025/06/04/health/trump-cuts-nih-grants-research.html?smid=nytcore-ios-share&referringSource=articleShare>.

1 usurp Congress's spending authority and also violate the Impoundment Control Act of 1974;
 2 whether Defendants' actions are further unconstitutional because they violate Plaintiff Class
 3 members' First Amendment right to free speech and Fifth Amendment right to due process;
 4 whether they are further unlawful because they violate statutes through which Congress has
 5 created the defendant agencies and determined their purposes, functions, and goals, and
 6 additional statutes through which Congress gives agencies substantive instruction, usurping
 7 Congress's legislative authority; and whether Defendants' actions are arbitrary and capricious,
 8 an abuse of discretion, or otherwise contrary to law, in violation of the APA.

9 81. 75. Because the claims of the Plaintiff Class members share common
 10 issues of law and fact, they will not require individualized determinations of the
 11 circumstances of any plaintiff, and satisfy Rule 23(a)(2) for purposes of the requested
 12 declaratory and injunctive relief.

13 82. 76. The claims of the Class Representatives are typical of the claims of the
 14 members of the Plaintiff Class, because they arise out of the Defendants' common conduct,
 15 satisfying Rule 23(a)(3). Like other members of the class, the Class Representatives have
 16 been concretely harmed, economically, professionally, and reputationally, by Defendants'
 17 arbitrary, capricious, and unlawful actions in categorically terminating or delaying their
 18 research grants under color of Defendant Trump's Executive Orders and/or at the direction of
 19 DOGE. The timing and sheer volume of these terminations (DOGE boasts of over 15,000 such
 20 terminations of grants nationwide in the space of less than 100 days) shows that these
 21 determinations were without due process or due regard for the individual merits, scientific
 22 importance, or public benefit of the projects affected. Class Representatives and the Plaintiff
 23 Class have been similarly and further harmed by Defendants' failure to adequately explain
 24 their actions and decisions. Each of these actions, independently and collectively, have caused
 25 harm to the Class Representatives and the Plaintiff Class members.

26 83. 77. The Class Representatives will fairly and adequately protect the
 27 interests of the Plaintiff Class, satisfying Rule 23(a)(4). They will defend the rights of all
 28 proposed class members fairly and adequately, and have no interest that is now or may be

1 potentially antagonistic to the interests of the Plaintiff Class. The attorneys representing the
 2 Plaintiff Class Representatives include constitutional, civil rights, environmental, and
 3 administrative law experts and litigators with decades of experience in their respective fields,
 4 and class action attorneys with similar experience and scores of court appointments as class
 5 counsel in federal litigation. These attorneys may and should be appointed as class counsel in
 6 this action.

7 84. 78. The members of the Plaintiff Class are readily ascertainable through
 8 Defendants' own grant records, and the grant-related communications they have issued to
 9 Class members pursuant to Executive Orders and/or at the direction of the Trump
 10 Administration and/or DOGE.

11 85. 79. Through federal research grant cancellations, suspensions, and delays
 12 imposed categorically, pursuant to Executive Orders or other Trump Administration
 13 directives, in violation of the APA, and in violation of other statutes and the Constitution as
 14 alleged in this Complaint, Defendants have acted, have threatened to act, and will continue to
 15 act on grounds generally applicable to the Plaintiff Class, thereby making final equitable and
 16 declaratory relief appropriate to the Class as a whole. The Plaintiff Class may therefore be
 17 properly certified under Federal Rule of Civil Procedure 23(b)(2).

18 86. 80. Numerous individual lawsuits alleging similar conduct and claims
 19 would disserve the interests of judicial economy, as well as the interests of litigants and the
 20 public in the just, speedy, and inexpensive determination of these claims.

21 **FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS**

22 **I. Throughout Decades of Federal Funding, the UC System Has Made Leading**

23 **Contributions to Research that Benefit the Public**

24 87. 81. The University of California (the "UC System") is the world's leading
 25 public research institution. Comprised of ten campuses, three affiliate national laboratories,
 26 and dozens of institutes, centers, and research laboratories across California, the UC System
 27 has made—and continues to make—outsize contributions to research that have changed the
 28

1 world, and enhanced human knowledge, while contributing to the national security and global
 2 prominence of the United States, and the health and welfare of all Americans.

3 88. ~~82.~~ Without the UC System's research, for example, the world would not
 4 have the internet,⁷ plug-in hybrid cars,⁸ or the world's largest 3-D map of the universe.⁹

5 89. ~~83.~~ In the medical realm, UC System research has led to development of
 6 MRI machines,¹⁰ cochlear implants that restore hearing,¹¹ a universal viral vaccine,¹² a brain
 7 implant that prevents Parkinson's symptoms,¹³ and the use of CRISPR gene-editing to cure
 8 sickle cell disease.¹⁴ In the past 30 years, decades of UC cancer research has saved nearly 4
 9 million lives.¹⁵

10
 11
 12 ⁷ Pranay Bhattacharyya, *UCLA: Birthplace of the Internet*, US Tech News (April 28, 2021),
 https://uctechnews.ucop.edu/ucla-birthplace-of-the-internet/#:~:text=ARPANET%3A%20
 The%20Beginning,first%20two%20letters%20were%20sent.

13
 14 ⁸ USPath Center, *4 Unexpected Discoveries from UC*, UCPATH Jobs,
 https://ucpathjobs.org/lifestyle/4-unexpected-discoveries-uc/ (last visited May 27, 2025).

15
 16 ⁹ Michael Levi, *First Results from DESI Make the Most Precise Measurement of Our
 Expanding Universe*, Berkeley Lab News Center (April 4, 2024),
 https://newscenter.lbl.gov/2024/04/04/desi-first-results-make-most-precise-measurement-of-
 expanding-universe/.

17
 18 ¹⁰ Kara Manke, *Jerome R. Singer, pioneer of magnetic resonance imaging, dies at 97*, US
 Berkeley News (August 6, 2019), https://news.berkeley.edu/2019/08/06/jerome-r-singer-
 pioneer-of-magnetic-resonance-imaging-dies-at-97/#:~:text=Jerome%20R.-
 ,Singer%2C%20pioneer%20of%20magnetic%20resonance
 %20imaging%2C%20dies%20at%2097, and%20blood%20volume%20in%20mice.

19
 20 ¹¹ Pete Farley, *Neuroscientist Wins Prize for Cochlear Implant Contributions*, University of
 California (January 8, 2015), https://www.universityofcalifornia.edu/news/neuroscientist-wins-
 prize-cochlear-implant-contributions.

21
 22 ¹² Jules Bernstein, *Vaccine Breakthrough Means No More Chasing Strains*, University of
 California, Riverside (April 15, 2024), https://news.ucr.edu/articles/2024/04/15/vaccine-
 breakthrough-means-no-more-chasing-strains.

23
 24 ¹³ Robin Marks, *New Parkinson's Treatment Helps Former Pro Keep Skateboarding*, U. of
 Cal. San Francisco (Apr. 19, 2024), https://www.ucsf.edu/news/2024/04/427391/new-
 parkinsons-treatment-helps-former-pro-keep-skateboarding.

25
 26 ¹⁴ Robert Sanders, *FDA Approves First Test of CRISPR to Correct Genetic Defect Causing
 Sickle Cell Disease*, University of California (Apr. 1, 2021),
 https://www.universityofcalifornia.edu/news/fda-approves-first-test-crispr-correct-genetic-
 defect-causing-sickle-cell-disease.

27
 28 ¹⁵ Julia Busiek, *What Cuts to NIH Funding Mean for Cancer Patients and Their Families*,
 University of California (Feb. 26, 2025), https://www.universityofcalifornia.edu/news/what-
 cuts-nih-funding-mean-cancer-patients-and-their-families.

1 90. 84. The UC System has produced 70 Nobel Prize winners, 101 MacArthur
 2 “Genius” grant award winners, 66 National Medal of Science winners, and 42 Pulitzer Prize
 3 winners.¹⁶ Since 2013, the UC System has topped the National Academy of Inventors’ list of
 4 universities worldwide with the most utility patents.¹⁷

5 91. 85. Through continual development of new technologies, UC research
 6 stimulates the economy by creating jobs, companies, industries, and scientific advancements
 7 that continue to change the world. Entire industries have grown out of UC research, including
 8 biotechnology, computing, semiconductors, telecommunications, and agriculture.¹⁸

9 92. 86. UC research prowess has continued at breakneck speed. The UC
 10 System averages four new inventions *per day*. In 2023, 78 startups were launched using UC
 11 intellectual property or technology.¹⁹ UC research quite literally shapes the future: 8.2% of all
 12 U.S. academic research is conducted by UC researchers.²⁰

13 93. 87. Such achievements would not be possible without federal funding. For
 14 years, the UC System has partnered with the federal government to deliver groundbreaking
 15 innovations that have made the American public healthier, safer, smarter, and better able to
 16 compete in a global market.

17 94. 88. Federal funding is the single most important source of UC research
 18 funding, historically accounting for more than half of the UC System’s total research
 19 awards.²¹ In fiscal year 2024, the UC System received \$4.069 *billion* in federal research
 20 awards. This covered 10,256 distinct awards.²²

21 ¹⁶ Univ. of Cal., *The University of California at a Glance*, Univ. of Cal. (Feb. 25, 2025),
https://ucop.edu/institutional-research-academic-planning/_files/uc-facts-at-a-glance.pdf.

22 ¹⁷ Univ. of Cal., *Federal Investment in UC Research*, Univ. of Cal. (Apr. 2025),
https://ucop.edu/communications/_files/federal-investment-in-uc-research-2025.pdf.

23 ¹⁸ *Id.*

24 ¹⁹ *Id.*

25 ²⁰ *Id.*

26 ²¹ *Id.*

27 ²² *Id.*

1 95. 89. The UC System receives more National Institutes of Health (“NIH”)
 2 and National Science Foundation (“NSF”) funding than any other institution.²³ And these are
 3 far from the only agencies to offer significant support to UC research.

4 96. 90. In fiscal year 2024, the UC System received approximately the
 5 following amounts by agency:²⁴

- 6 • \$2.54 billion – NIH
- 7 • \$525 million – NSF
- 8 • \$326 million – Defense
- 9 • \$160 million – Energy
- 10 • \$122 million – other HHS
- 11 • \$104 million – NASA
- 12 • \$86 million – USDA
- 13 • \$68 million – Commerce
- 14 • \$39 million – Interior
- 15 • \$27 million – Education
- 16 • \$20 million – State
- 17 • \$47 million – other agencies

18 97. 91. These stable federal funding sources, and the research talent they attract
 19 and empower, have enabled the UC System to make its outsize contributions to human
 20 progress for decades. Because the very nature of research requires years of ongoing work, the
 21 UC system has operated research programs across presidential administrations for
 22 generations.

23 98. 92. The innovations described above are the result of a successful
 24 partnership between the UC System and the federal government, and indeed would be
 25 impossible if federal grant funding were terminated.

26

27

28 ²³ *Id.*

²⁴ *Id.*

1 99. 93. This research, of course, is carried out by faculty members and other
 2 research personnel in the UC system. These individuals' careers—their hiring, their tenure,
 3 their advancement—all depend on research that is often supported by federal grants.

4 **II. Congress's Power of the Purse Makes Illegal the Mass Termination of Grants at the**
 5 **President's Direction**

6 100. 94. The partnership between the UC System and the federal
 7 government is a product of Congress's powers, and by design insulated from political winds
 8 in the executive branch. Congress has repeatedly emphasized the importance of federally
 9 funded research as critical to the strength and security of the nation, and has used its powers
 10 to set research priorities and appropriate funds to federal agencies to carry out those priorities.

11 101. 95. Congress has the constitutional power to appropriate funds for such
 12 research and to create agencies necessary to implement federal policies. Article I vests
 13 Congress with the legislative power to create departments, agencies, and offices within the
 14 executive branch, to define their duties, and to fund their activities. U.S. Const. art. I, §1 (“All
 15 legislative Powers herein granted shall be vested in a Congress of the United States.”).

16 102. 96. Congress's legislative power includes “the establishment of
 17 offices... [and] the determination of their functions.” *Myers v. United States*, 272 U.S. 52, 129
 18 (1926); U.S. Const. art I, § 8, cl. 18. “Administrative agencies are creatures of statute,” and do
 19 not exist or have purpose without Congress's direction. *See Nat'l Fed'n of Indep. Bus v. Dep't*
 20 *of Lab., OSHA*, 595 U.S. 109, 117 (2022). Congress thus establishes executive agencies and
 21 crafts the statutes that govern each agency's administration. *See, e.g.*, 10 U.S.C. §§ 111, 113
 22 (Defense); 16 U.S.C. § 551 (Agriculture); 42 U.S.C. §§ 202, 203 (HHS); 42 U.S.C. §§ 218,
 23 282 (NIH); 42 U.S.C. § 7131 (Energy).

24 103. 97. Congress also holds the power of the federal purse. Indeed,
 25 Congress's powers to set the policies of the nation are at their apex when it comes to spending
 26 money, as the Constitution “exclusively grants the power of the purse to Congress, not the
 27 President.” *City & Cnty. of San Francisco v. Trump*, 897 F.3d 1225, 1231 (9th Cir. 2018).

28

1 Congress makes its priorities clear by appropriating funds to agencies to carry out specified
 2 activities.

3 104. ~~98.~~ The Constitution requires the President, meanwhile, to “take Care
 4 that the Laws be faithfully executed.” U.S. Const., art. II, § 3. The “Take Care Clause”
 5 assures that “Congress makes the laws and the President faithfully executes them.” *Utility Air*
 6 *Reg. Grp. v. Env'l. Prot. Agency*, 573 U.S. 302, 327 (2014) (cleaned up). This includes
 7 ensuring the appropriation of funds per Congress’s direction.

8 105. ~~99.~~ The executive branch has *no* constitutional authority to refuse to
 9 carry out laws enacted by Congress, and it has no constitutional authority to block, amend,
 10 subvert, or delay spending appropriated monies based on the President’s own policy
 11 preferences. For nearly two hundred years, it has been established that the Executive violates
 12 the Take Care Clause when it ignores, refuses to execute, or purports to override statutes.
 13 *Kendall v. United States*, 37 U.S. (12 Pet.) 524, 613 (1838).

14 106. ~~100.~~ A President’s Executive Order cannot override Congress’s express
 15 direction. The President “is without authority to set aside congressional legislation by
 16 executive order.” *In re United Mine Workers of Am. Int’l Union*, 190 F.3d 545, 551 (D.C. Cir.
 17 1999). Rather, the “President’s power, if any, to issue [an] order must stem from either an act
 18 of Congress or from the Constitution itself.” *Youngstown Sheet & Tube Co. v. Sawyer*, 343
 19 U.S. 579, 585 (1952).

20 107. ~~101.~~ The President has no power to order the rescission of funds. If the
 21 President wants funds rescinded, he may *ask* Congress to do so pursuant to the Impoundment
 22 Control Act (“ICA”), 2 U.S.C. § 681 *et seq.* Under the ICA, the President can “transmit to
 23 both Houses of Congress a special message specifying,” among other criteria, the amount of
 24 budget authority he proposes be rescinded, the reasons why it should be rescinded, and the
 25 effect of the proposed rescission on the “objects, purposes, and programs for which the budget
 26 authority is provided.” *Id.* § 683(a). Unless Congress passes a rescission bill that covers the
 27 President’s request within 45 days, however, the funds shall be made available. *Id.* § 683(b).

28

1 108. ~~102.~~ Even under the ICA—which clearly states it cannot interfere with
 2 the Constitutional separation of powers, § 681(1)—the President is constrained. His requests
 3 for rescission cannot “supersed[e] any provision of law which *requires* the obligation of
 4 budget authority or the making of outlays.” 2 U.S.C. § 681 (emphasis added). Nor can the
 5 President request reductions of *already obligated* funds, including grants. *See id.* § 683;
 6 Congressional Budget Office, *CBO Explains How It Estimates Savings From Rescissions*
 7 (May 26, 2023), <https://www.cbo.gov/publication/59209> (explaining a rescission will not
 8 impact funds that are obligated).

9 109. ~~103.~~ In short, once Congress has allocated money for grants or directed
 10 agencies to use funding to carry out research, the President cannot unilaterally refuse to spend
 11 or to redirect such funds. Nor can agency leaders, substituting the President’s directives for
 12 Congress’s, terminate without lawful cause grants that were awarded pursuant to
 13 congressional directives. Such refusal to spend money appropriated by Congress violates both
 14 the separation of powers and the Impoundment Control Act.

15 **III. President Trump Issues a Flurry of Executive Orders and Creates DOGE,**
 16 **Unlawfully Directing Agencies to Terminate Grants**

17 110. ~~104.~~ Beginning on Inauguration Day (January 20, 2025), Defendant
 18 Trump issued a number of broad directives through Executive Orders (EOs). These included
 19 demands on federal agencies to take action to comply with the President’s agenda.

20 111. ~~105.~~ In particular, Defendant Trump and his administration explicitly
 21 and implicitly called on federal agencies to “terminate” previously awarded grant funds. In so
 22 doing, the Administration did not comply with Congress’s prior spending decisions and
 23 direction.

24 112. ~~106.~~ For example, Executive Order No. 14151, dated January 20, 2025
 25 and titled “Ending Radical and Wasteful Government DEI Programs and Preferencing,”
 26 instructs the Attorney General and others to “coordinate the termination of all discriminatory
 27 programs, including illegal DEI and ‘diversity, equity, inclusion, and accessibility’ (DEIA)
 28 mandates, policies, programs, preferences, and activities in the Federal Government, under

1 whatever name they appear.” Additionally, it directs each federal agency head to “terminate,
 2 to the maximum extent allowed by law... all ‘equity-related’ grants or contracts” within 60
 3 days.²⁵

4 113. ~~107.~~ EO No. 14173, titled “Ending Illegal Discrimination and
 5 Restoring Merit-Based Opportunity,” addresses purported “immoral race- and sex-based
 6 preferences under the guise of so-called [DEI] or [DEIA].” The order requires the Director of
 7 OMB to “[e]xcise references to DEI and DEIA principles, under whatever name they may
 8 appear, from Federal acquisition, contracting, grants, and financial assistance procedures” and
 9 to “[t]erminate all ‘diversity,’ ‘equity,’ ‘equitable decision-making,’ ‘equitable deployment of
 10 financial and technical assistance,’ ‘advancing equity,’ and like mandates, requirements,
 11 programs, or activities, as appropriate.”²⁶

12 114. ~~108.~~ On January 20, 2025, Defendant Trump also issued EO No.
 13 14168, “Defending Women from Gender Ideology Extremism and Restoring Biological Truth
 14 to the Federal Government,” directing that “federal funds shall not be used to promote gender
 15 ideology,” instructing federal agencies to revise grant conditions accordingly, and defining
 16 “gender ideology” as a “false claim” that “replaces the biological category of sex with an
 17 ever-shifting concept of self-assessed gender identity,” and that “includes the idea that there is
 18 a vast spectrum of genders that are disconnected from one’s sex.”

19 115. ~~109.~~ On January 20, 2025, Defendant Trump further issued EO No.
 20 14154, “Unleashing American Energy,” which directed federal agencies to “immediately
 21 pause the disbursement of funds appropriated through the Inflation Reduction Act of 2022
 22 (Public Law 117-169) or the Infrastructure Investment and Jobs Act (Public Law 117-58).”

23
 24

²⁵ Exec. Order No. 14151, *Ending Radical and Wasteful Government DEI Programs and*
 25 *Preferencing*, 90 Fed. Reg. 8339 (Jan. 20, 2025),
 26 <https://www.federalregister.gov/documents/2025/01/29/2025-01953/ending-radical-and-wasteful-government-dei-programs-and-preferencing>.

27

²⁶ Exec. Order No. 14173, *Ending Illegal Discrimination and Restoring Merit-Based*
 28 *Opportunity*, 90 Fed. Reg. 8633, (Jan. 21, 2025),
<https://www.federalregister.gov/documents/2025/01/31/2025-02097/ending-illegal-discrimination-and-restoring-merit-based-opportunity>.

1 The EO called out specific grant programs, and more generally, directed the agencies to
 2 “review their processes, policies, and programs for issuing grants.”²⁷

3 116. 110. On February 19, 2025, Defendant Trump issued EO No. 14217,
 4 “Commencing the Reduction of the Federal Bureaucracy.” The EO deemed several
 5 government entities “unnecessary,” and directed that any non-statutory components or
 6 functions be “eliminated.” The Order also stated that any “grant requests” by these entities
 7 should be denied.²⁸

8 117. 111. On March 14, 2025, Defendant Trump issued EO No. 14238,
 9 “Continuing the Reduction of the Federal Bureaucracy.” This order listed additional entities
 10 determined by Defendant Trump to be “unnecessary,” and again directed that grant requests
 11 be rejected.²⁹

12 118. 112. Moreover, to force agencies into complying with his personal
 13 agenda, Defendant Trump signed EO No. 14158 on January 20, 2025, “Establishing and
 14 Implementing the President’s ‘Department of Governmental Efficiency,’” commonly known
 15 as “DOGE.” The EO required the head of each federal agency to establish a team of at least
 16 four DOGE employees within their agency.³⁰

17 119. 113. According to the Order, DOGE would be “dedicated to advancing
 18 the President’s 18-month DOGE agenda.” *Id.* Although the “DOGE agenda” has never been
 19 publicly disclosed, DOGE’s targets for ostensible “efficiency” improvements have, in
 20 practice, born considerable resemblance to the Executive agenda manifest in Defendant
 21 Trump’s EOs.

22
 23 ²⁷ Exec. Order No. 14154, *Unleashing American Energy*, 90 Fed. Reg. 8353 (Jan. 29, 2025),
<https://www.federalregister.gov/documents/2025/01/29/2025-01956/unleashing-american-energy>.

24 ²⁸ Exec. Order No. 14217, *Commencing the Reduction of the Federal Bureaucracy*, 90 Fed. Reg.
 10577 (Feb. 25, 2025), <https://www.federalregister.gov/documents/2025/02/25/2025-03133/commencing-the-reduction-of-the-federal-bureaucracy>.

25 ²⁹ Exec. Order No. 14238, *Continuing the Reduction of the Federal Bureaucracy*, 90 Fed. Reg.
 13043 (Mar. 20, 2025), <https://www.federalregister.gov/documents/2025/03/20/2025-04868/continuing-the-reduction-of-the-federal-bureaucracy>.

26 ³⁰ Exec. Order No. 14158, *Establishing and Implementing the President’s “Department of
 27 Government Efficiency”*, 90 Fed. Reg. 8441 (Jan. 29, 2025),
 28 <https://www.federalregister.gov/documents/2025/01/29/2025-02005/establishing-and-implementing-the-presidents-department-of-government-efficiency>.

1 120. ~~114.~~ On February 26, 2025, Defendant Trump doubled down. He
 2 issued EO No. 14222, “Implementing the President’s ‘Department of Governmental
 3 Efficiency’ Cost Efficiency Initiative.”³¹ Notwithstanding that the Constitution allocates
 4 spending power to Congress alone, the Order purported to begin the Executive’s
 5 “transformation in Federal spending on contracts, grants, and loans.” This Order required
 6 federal agencies to review all existing grants with an eye toward termination:

7 Each Agency Head, in consultation with the agency’s DOGE Team
 8 Lead, shall review all existing covered contracts and grants and, where appropriate and consistent with applicable law, terminate or
 9 modify (including through renegotiation) such covered contracts and grants to reduce overall Federal spending or reallocate spending
 10 to promote efficiency and advance the policies of my Administration. This process shall commence immediately and shall
 11 prioritize the review of funds disbursed under covered contracts and grants to educational institutions and foreign entities for waste,
 12 fraud, and abuse. Each Agency Head shall complete this review
 13 within 30 days of the date of this order.

14 121. ~~115.~~ According to DOGE’s self-described “Wall of Receipts,” as of
 15 June 3, 2025, federal agencies had terminated over 15,000 grants, totaling roughly \$44 billion
 16 in “savings.”³²

17 122. ~~116.~~ Despite multiple successful legal challenges to President Trump’s
 18 EO and related directives,³³ Defendants have unlawfully terminated grants and continue to
 19 terminate grants previously awarded to Plaintiffs and the Class.

20 ³¹ Exec. Order No. 14222, *Implementing the President’s “Department of Government Efficiency”*
 21 *Cost Efficiency Initiative*, 90 Fed. Reg. 11095 (Mar. 3, 2025),
<https://www.federalregister.gov/documents/2025/03/03/2025-03527/implementing-the-presidents-department-of-government-efficiency-cost-efficiency-initiative>.

22 ³² Department of Government Efficiency, *Savings*, DOGE.gov, <https://doge.gov/savings> (last visited June 3, 2025).

23 ³³ See, e.g., *Nat'l Assn. of Diversity Officers in Higher Education v. Trump*, No. 25-cv-0333-ABA (D. Md. Feb. 21, 2025) ECF No. 45 (preliminarily enjoining provisions requiring agencies to terminate equity-related grants); *Nat'l Ass'n of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189 (4th Cir. Mar. 14, 2025), ECF No. 29 (staying preliminary injunction pending appeal); *Washington v. Trump*, No. 2:25-cv-244-LK (W.D. Wash. Feb. 28, 2025) ECF No. 50 (on February 28, 2025, preliminary enjoining sections that condition, withhold, or end federal funding in Plaintiffs states Colorado, Minnesota, Oregon, and Washington); *PFLAG, Inc. v. Donald J. Trump*, No. 8:25-cv-00337-BAH (D. Md. Mar. 4, 2025) ECF No. 116 (on March 4, 2025, preliminarily enjoining the same nationwide); *New York v. Trump*, No. 25-cv-39-JJM-PAS (D.R.I. Jan. 31, 2025), ECF No. 50 (preliminarily enjoining federal agency defendants from "pausing, freezing, blocking, canceling, suspending, terminating, or otherwise impeding the disbursement of

1 123. ~~117.~~ Indeed, according to data posted by DOGE, the federal
 2 government has already terminated over **\$324 million**³⁴ in grants made to the UC system. The
 3 harm to UC researchers cannot be overstated.

4 124. ~~118.~~ This lawsuit arises because, in unilaterally terminating Plaintiffs'
 5 federal grants without lawful cause, Defendants are flouting constitutional limits on the
 6 Executive's authority; violating the First Amendment's prohibition on viewpoint
 7 discrimination; denying due process of law under the Fifth Amendment; ignoring agency-
 8 specific statutory directives; and violating the APA.

9 125. ~~119.~~ That these grant terminations violate the separation of powers
 10 became even clearer on May 28, 2025. Until then, DOGE was headed by Elon Musk. Now,
 11 according to the White House Press Secretary, DOGE will be led by "each and every member
 12 of the President's cabinet and the President himself, who is wholeheartedly committed to
 13 cutting waste, fraud and abuse from our government."³⁵ There is no longer any illusion that
 14 DOGE is more than a proxy for Defendant Trump and his priorities. The White House
 15 reiterated that each Cabinet secretary would work with DOGE employees at their agencies so
 16 that the "mission of DOGE will continue."³⁶ The DOGE Trojan Horse has been welcomed
 17 inside the gates of the Federal Agency Defendants, and the harms to Plaintiffs and the Class
 18 thus will continue and very likely increase.

19 126. ~~120.~~ In adopting, implementing, and enforcing Defendant Trump's
 20 "priorities" to illegally terminate grants, Defendants have caused and will continue to cause
 21
 22

23 appropriated federal funds to the States under awarded grants, executed contracts, or other
 24 executed financial obligations," based on both the OMB directive and Executive Orders,
 25 including the DEI and Gender Ideology Executive Orders).

26 ³⁴ This number was produced by searching DOGE data posted at <https://api.doge.gov/docs>, which
 27 is accessible through DOGE's "Wall of Receipts" at <https://doge.gov/savings>. The \$324 million
 28 was determined by looking at "Savings" under the "Grants" category, for entries in which the UC
 system was listed as a recipient.

29 ³⁵ Diana Stancy, *White House Discloses Who Will Lead DOGE Efforts After Musk's Departure*,
 30 Fox News (May 29, 2025), <https://www.foxnews.com/politics/white-house-discloses-who-leads-doge-efforts-after-musks-departure>.

31 ³⁶ *Id.*

1 significant concrete harm to Plaintiffs and the Class, as well as the UC System and the
 2 broader public that benefits from UC research, discovery, and inventions.

3 **IV. Agencies that Terminated Lead Plaintiffs' Grants Have Acted According to a**
Common Unlawful Pattern

5 127. ~~121.~~ On information and belief, all Federal Agency Defendants
 6 similarly and abruptly failed to continue grants pursuant to Congress's directives, instead
 7 substituting Defendant Trump's agenda. In place of reasoned decision-making, the federal
 8 agencies took direction not only from the flurry of Executive Orders described herein, but in
 9 most instances also took direction directly from DOGE staffers, who have no authority to
 10 direct or redirect allocation of federal funds. Indeed, in other cases, the United States, per its
 11 Department of Justice counsel, has on the record taken the position that Elon Musk—who
 12 helmed DOGE until days ago—did not occupy an “office,” lacked a title conferring formal
 13 authority, and was thus beyond judicial review or legal consequence.³⁷

14 128. ~~122.~~ In terminating scores of already awarded federal grants, the
 15 Federal Agency Defendants acted recklessly in disregarding the law, failing to consider
 16 reliance interests, and failing to consider the harm resulting from immediately stopping
 17 ongoing research studies. These included terminations of grants that would require halting
 18 human drug trials midstream forcing researchers to breach basic principles of medical ethics.

19 129. ~~123.~~ Moreover, the Federal Agency Defendants conducted no proper
 20 review of grants, instead mass-terminating with form letters those grants they deemed (with
 21 no explanation) to no longer “effectuate” agency priorities, notwithstanding that agencies
 22 cannot substitute the President’s agenda for their congressionally imposed statutory mandates.

23 130. ~~124.~~ This Complaint examines the errant grant practices at the ~~six~~seven
 24 Agencies that terminated Named Plaintiffs’ grants—EPA, NEH, NSF, DOD, ~~and~~ DOT, NIH,
 25 and DOE—and then describes how this same pattern played out within each Federal Agency
 26 Defendant, to the categorical and common detriment of the Class of UC researchers. There

27 ³⁷ *New Mexico v. Musk*, 2025 WL 1502747, at *13 (D.D.C. May 27, 2025) (“Essentially,
 28 Defendants argue, so long as the Executive acts without Congressional authority, the court cannot
 review its conduct.”).

1 are UC researchers with grants from each and all of these agencies, including grants that have
 2 been or are very likely to be arbitrarily terminated.

3 **A. Environmental Protection Agency**

4 **131. 125.** The Environmental Protection Agency (“EPA”) is an independent
 5 federal agency established to address environmental pollution and protect the environment.

6 **1. Congress Established the EPA to Protect the Environment,
 7 Including Through Research**

8 **132. 126.** Throughout the 1960s, the American public grew increasingly
 9 concerned with air pollution, water pollution, and environmental degradation generally. This
 10 concern was manifest most markedly in the multi-site celebration of the first Earth Day on
 11 April 22, 1970, which drew an estimated 20 million Americans.³⁸ In response to such
 12 pressure, President Nixon the same year presented Congress with a comprehensive message
 13 on the environment and established a council to consider how to organize a federal response
 14 to environmental concerns.³⁹

15 **133. 127.** On July 9, 1970, President Nixon sent Congress “Reorganization
 16 Plan No. 3 of 1970,” which proposed consolidating several existing federal agency duties into
 17 one Environmental Protection Agency.⁴⁰ In his transmittal to Congress, President Nixon wrote
 18 that “it has become increasingly clear that we need to know more about the total
 19 environment—land, water, and air. It also has become increasingly clear that only by
 20 reorganizing our Federal efforts can we develop that knowledge, and effectively ensure the
 21 protection, development and enhancement of the total environment itself.”

22 **134. 128.** Under the Reorganization Plan, EPA was given a “broad mandate”
 23 to “develop competence in areas of environmental protection that have not previously been
 24 given enough attention.” EPA would have the “capacity to do research on important

25
 26 ³⁸ Earth Day Network, *The History of Earth Day*, <https://www.earthday.org/history/> (last visited May 29, 2025).

27 ³⁹ See U.S. Envtl. Prot. Agency, *The Origins of EPA* (May 31, 2024),
<https://www.epa.gov/history/origins-epa>.

28 ⁴⁰ U.S. Envtl. Prot. Agency, *The Reorganization Plan No. 3 of 1970* (Sept. 6, 2016),
<https://www.epa.gov/archive/epa/aboutepa/reorganization-plan-no-3-1970.html>.

1 pollutants irrespective of the media in which they appear, and on the impact of these
 2 pollutants on the total environment. Both by itself and together with other agencies, EPA
 3 would monitor the condition of the environment—biological as well as physical.”⁴¹

4 135. 129. Although President Nixon (a Republican) disfavored the creation
 5 of new agencies, he broke his own rule “because arresting environmental deterioration is of
 6 great importance to the quality of life in our country and the world.” He thus “believe[d] that
 7 in this case a strong, independent agency is needed.”⁴²

8 136. 130. The principal roles and functions of the new EPA would include:

- 9 • The establishment and enforcement of environmental protection standards
 consistent with national environmental goals.
- 10 • The conduct of research on the adverse effects of pollution and on methods
 and equipment for controlling it, the gathering of information on pollution,
 and the use of this information in strengthening environmental protection
 programs and recommending policy changes.
- 11 • Assisting others, through grants, technical assistance and other means in
 arresting pollution of the environment.
- 12 • Assisting the Council on Environmental Quality in developing and
 recommending to the President new policies for the protection of the
 environment.⁴³

13 137. 131. After conducting hearings, Congress approved the proposal and
 14 EPA was created. Its first Administrator was sworn in on December 4, 1970.⁴⁴

15 138. 132. EPA does not derive its regulatory authority from a single statute.
 16 Rather, a “number of laws serve as EPA’s foundation for protecting the environment and
 17 public health.” As Congress passes new environmental laws, EPA is most typically the
 18 agency tasked with writing regulations necessary to implement them.⁴⁵ Examples of key laws
 19 reflecting Congress’s mandates to EPA include the Clean Air Act; the Clean Water Act; the

20 ⁴¹ *Id.*

21 ⁴² *Id.*

22 ⁴³ *Id.*

23 ⁴⁴ U.S. Envtl. Prot. Agency, *The Origins of EPA* (May 31, 2024),
 https://www.epa.gov/history/origins-epa.

24 ⁴⁵ U.S. Envtl. Prot. Agency, *Laws and Executive Orders*, (Jan. 29, 2025),
 https://www.epa.gov/laws-regulations/laws-and-executive-orders.

1 Safe Drinking Water Act; the Federal Fungicide, Insecticide, and Rodenticide Act; the Toxic
 2 Substances Control Act; the Resource Conservation and Recovery Act; the Comprehensive
 3 Environmental Response, Compensation, and Liability Act (Superfund); and many more. As a
 4 recent example, when Congress enacted the Inflation Reduction Act of 2022, it gave EPA a
 5 new mandate to administer an environmental and climate justice block grant program.⁴⁶

6 139. 133. These laws all direct EPA to carry out its core mission: “to protect
 7 human health and the environment.”⁴⁷

8 140. 134. Pursuant to this mission, EPA works to ensure that:

- 9 • Americans have clean air, land, and water;
- 10 • National efforts to reduce environmental risks are based on the best
 available scientific information;
- 11 • Federal laws protecting human health and the environment are
 administered and enforced fairly, effectively, and as Congress intended;
- 12 • Environmental stewardship is integral to U.S. policies concerning natural
 resources, human health, economic growth, energy, transportation,
 agriculture, industry, and international trade, and these factors are similarly
 considered in establishing environmental policy;
- 13 • All parts of society—communities, individuals, and businesses, as well as
 state, local, and Tribal governments—have access to accurate information
 sufficient to effectively participate in managing human health and
 environmental risks;
- 14 • Contaminated lands and toxic sites are cleaned up by potentially
 responsible parties and revitalized; and
- 15 • Chemicals in the marketplace are reviewed for safety.⁴⁸

16 141. 135. To accomplish its mission, EPA implements Congress’s
 17 environmental laws by writing and enforcing regulations.⁴⁹

23 ⁴⁶ Marianne Lavelle & Peter Aldhous, *Trump’s EPA Funding Cuts Target Disadvantaged*
 24 *Communities*, Inside Climate News (May 1, 2025),
 25 <https://insideclimateneWS.org/news/01052025/trump-epa-funding-cuts-target-disadvantaged-communities/#:~:text=The%20EPA's%20declaration%20said%20it,environmental%20justice%20is%20being%20terminated.>

26 ⁴⁷ U.S. Envtl. Prot. Agency, *Our Mission and What We Do* (Apr. 21, 2025),
 27 <https://www.epa.gov/aboutepa/our-mission-and-what-we-do>.

28 ⁴⁸ *Id.*

⁴⁹ *Id.*

1 142. ~~136.~~ EPA also carries out its mission by making grants. Indeed, “EPA’s
 2 mission to protect human health and the environment is accomplished, in large part, by the
 3 awarding of funds to other organizations to conduct environmental program or projects.”⁵⁰
 4 EPA awards more than \$4 billion in grants (called “assistance agreements”) every year.

5 143. ~~137.~~ According to EPA, its authority to make grants comes from three
 6 sources. First is the U.S. Constitution, which gives Congress the power of the purse in the
 7 Spending Clause. Second are statutes, in which Congress directs funds to be allocated to
 8 specific programs. Finally, the EPA derives grant-making power from regulations.⁵¹

9 144. ~~138.~~ EPA makes many types of grants. One especially important type is
 10 research grants, which are often obtained by university researchers.

11 145. ~~139.~~ EPA funds research through its Science to Achieve Results
 12 (STAR) program; its People, Prosperity, and the Planet (P3) Program; and its Small Business
 13 Innovation Research (SBIR) program. According to the agency, these “help to engage top
 14 research scientists, non-profit organizations, students, and small businesses that results in a
 15 strong scientific foundation to support the Agency’s mission of protecting human health and
 16 the environment.”⁵²

17 146. ~~140.~~ The STAR program is the “primary competitive, peer-reviewed
 18 extramural grant program that has awarded over 4,100 grants nationwide since 1995.” The
 19 program “leverages the scientific and engineering expertise of academic and non-profit
 20 institutions to conduct high priority environmental and public health research,” focusing on
 21 the effects of “air pollution, water quality and quantity, hazardous waste, toxic substances,
 22 pesticides, cumulative impacts, and more.”⁵³

23
 24
 25 ⁵⁰ U.S. Envtl. Prot. Agency, *EPA Grants Overview for Applicants and Recipients*,
 https://www.epa.gov/grants/epa-grants-overview-applicants-and-recipients (last visited May 29,
 2025).

26 ⁵¹ U.S. Envtl. Prot. Agency, *EPA Funding Instruments and Authorities*,
 https://www.epa.gov/grants/epa-funding-instruments-and-authorities (last visited May 29, 2025).

27 ⁵² U.S. Envtl. Prot. Agency, *About EPA’s Research Grants*, https://www.epa.gov/research-
 grants/about-epas-research-grants (last visited May 29, 2025).

28 ⁵³ *Id.*

1 147. ~~141.~~ STAR research is funded through Requests for Applications
 2 (RFAs) that are derived from the EPA Office of Research and Development's Strategic Plan.
 3 These grants "concentrate on areas of special significance to the EPA mission."⁵⁴

4 148. ~~142.~~ EPA grants are highly competitive. Of the approximately 2,500
 5 proposals for STAR research grants every year, it awards only around 150 research grants and
 6 125 graduate fellowships.⁵⁵

7 149. ~~143.~~ EPA research grants have funded critical projects, including
 8 research to advance clean drinking water technologies, address knowledge gaps in
 9 antimicrobial resistance, and reduce exposure to wildfire smoke.⁵⁶

10 **2. In Response to Trump Administration Directives, the EPA Improperly**
 11 **Changed Priorities and Canceled Existing Grants**

12 150. ~~144.~~ On his first day in office, President Trump signed Executive Order
 13 14151, "Ending Radical and Wasteful Government DEI Programs and Preferencing" (Jan. 20,
 14 2025). The Order instructs the Director of the Office of Management and Budget (OMB),
 15 assisted by the Attorney General and others, to "coordinate the termination of all
 16 discriminatory programs, including illegal DEI and 'diversity, equity, inclusion, and
 17 accessibility' (DEIA) mandates, policies, programs, preferences, and activities in the Federal
 18 Government, under whatever name they appear." The Order repeatedly mentions
 19 "environmental justice" as a target.⁵⁷

20 151. ~~145.~~ In particular, Executive Order 14151 directs each federal agency
 21 to "terminate, to the maximum extent allowed by law, all DEI, DEIA, and 'environmental
 22 justice' offices and positions... [and all] 'equity-related' grants or contracts" within 60 days.

24 ⁵⁴ U.S. Envtl. Prot. Agency, *Learn About Research Grants*, [https://www.epa.gov/research-](https://www.epa.gov/research-grants/learn-about-research-grants)
 25 [grants/learn-about-research-grants](https://www.epa.gov/research-grants/learn-about-research-grants) (last visited May 29, 2025).

26 ⁵⁵ *Id.*

27 ⁵⁶ See, e.g., U.S. Envtl. Prot. Agency, *Research Grants in the News* (Sept. 23, 2024),
 28 <https://www.epa.gov/research-grants/research-grants-news>.

29 ⁵⁷ Exec. Order No. 14151, *Ending Radical and Wasteful Government DEI Programs and*
 30 *Preferencing*, 90 Fed. Reg. 8339 (Jan. 20, 2025),
 31 [https://www.federalregister.gov/documents/2025/01/29/2025-01953/ending-radical-and-wasteful-](https://www.federalregister.gov/documents/2025/01/29/2025-01953/ending-radical-and-wasteful-government-dei-programs-and-preferencing)
 32 [government-dei-programs-and-preferencing](https://www.federalregister.gov/documents/2025/01/29/2025-01953/ending-radical-and-wasteful-government-dei-programs-and-preferencing).

1 152. ~~146.~~ The President also signed Executive Orders related to energy,
 2 including “Declaring a National Energy Emergency” and “Unleashing American Energy.”

3 153. ~~147.~~ Shortly after President Trump took office, the EPA began working
 4 closely with DOGE.

5 154. ~~148.~~ By March 7, 2025, the Democratic Staff of the Senate Committee
 6 on Environment and Public Works reported that the EPA had issued guidance to senior staff
 7 indicating that “all [funding] actions greater than \$50,000 now require approval from an EPA
 8 DOGE Team member.”⁵⁸

9 155. ~~149.~~ A huge part of this DOGE-EPA collaboration included mass-
 10 canceling grants. The EPA made no secret of DOGE’s hand in EPA affairs, but rather, touted
 11 the DOGE partnership in press releases.

12 156. ~~150.~~ For example, on February 25, 2025, an EPA press release
 13 announced a “second round of EPA-DOGE partnered cancellations.” EPA stated that these
 14 cancellations “represent more than \$60 million saved as the EPA puts a stop to wasteful DEI
 15 and environmental justice programs.”⁵⁹

16 157. ~~151.~~ In a March 10, 2025 press release, EPA announced a fourth round
 17 of EPA-DOGE grant terminations, this time stating it was cancelling more than 400 grants
 18 “across nine unnecessary programs.” This press release concluded, as have others, by stating:
 19 “EPA continues to work diligently to implement President Trump’s Executive Orders.”⁶⁰

20
 21
 22 ⁵⁸ Senate Envtl. & Pub. Works Comm., *Letter to EPA Administrator Lee Zeldin Regarding*
 23 *\$50,000 Funding Approval Requirement* (Mar. 7, 2025),
https://www.epw.senate.gov/public/_cache/files/b/c/bc3eafb-38ea-4197-b655-8466b9901dce/00C154E2DBAFFDF3EF5063DA374406502B1835873497F8DE2F439A1710460D09.3.7.25-letter-to-epa-re-50k-attachments-002-.pdf.

25 ⁵⁹ U.S. Envtl. Prot. Agency, *EPA Administrator Lee Zeldin Cancels 20 Grants in 2nd Round of Cuts with DOGE, Saving Americans More than \$60M* (Feb. 25, 2025),
<https://www.epa.gov/newsreleases/epa-administrator-lee-zeldin-cancels-20-grants-2nd-round-cuts-doge-saving-americans>.

27 ⁶⁰ U.S. Envtl. Prot. Agency, *EPA Administrator Lee Zeldin Cancels 400+ Grants in 4th Round of Cuts with DOGE, Saving Americans More than \$1.7B* (March 10, 2025),
<https://www.epa.gov/newsreleases/epa-administrator-lee-zeldin-cancels-400-grants-4th-round-cuts-doge-saving-americans>.

1 158. ~~152.~~ The EPA has aligned itself closely with the Trump
 2 Administration. For example, on March 12, 2025 alone, the EPA issued 10 press releases in
 3 which it referred to itself as the “Trump EPA.”⁶¹

4 159. ~~153.~~ Also on March 12, EPA Acting Assistant Administrator Jeffrey
 5 Hall issued an internal memo regarding “Implementing National Enforcement and
 6 Compliance Initiatives Consistently with Executive Orders and Agency Priorities” (the
 7 “March 12 Administrator Memo”).⁶²

8 160. ~~154.~~ Among EPA’s functions is to establish, every four years, National
 9 Enforcement and Compliance Initiatives (“NECIs”) that are published in the Federal Register.
 10 These are “national initiatives, developed in a non-partisan way across administrations” after
 11 soliciting public input.⁶³ NECIs allow the EPA to focus its resources on widespread
 12 problems.⁶⁴

13 161. ~~155.~~ NECIs for fiscal year 2023-2027 were set on August 17, 2023.
 14 The six NECIs—half of which were modified or continued from prior years—are: (1)
 15 mitigating climate change; (2) addressing exposure to PFAS; (3) protecting communities from
 16 coal ash contamination; (4) reducing air toxics in overburdened communities; (5) increasing
 17 compliance with drinking water standards; and (6) chemical accident risk reduction.⁶⁵

18 162. ~~156.~~ While the March 12 Memo did not (yet) purport to eliminate the
 19 NECIs, it did state, ominously, that notwithstanding the robust and legally required public
 20 process used to produce them, “the focus of specific NECIs shall be adjusted to conform to
 21 the President’s Executive Orders and the Administrator’s Initiative.”⁶⁶

22 ⁶¹ U.S. Envtl. Prot. Agency, *Search News Release*,
 23 <https://www.epa.gov/newsreleases/search?f%5B0%5D=year%3A2025-03&page=3> (last visited
 May 27, 2025).

24 ⁶² U.S. Envtl. Prot. Agency, *Implementing National Enforcement and Compliance Initiatives
 Consistently with Executive Orders and Agency Priorities* (Mar. 12, 2025),
<https://www.epa.gov/system/files/documents/2025-03/necimemo-20250312.pdf>.

25 ⁶³ U.S. Envtl. Prot. Agency, *FY 2024–2027 National Enforcement and Compliance Initiatives*
 (Aug. 17, 2023), <https://www.epa.gov/system/files/documents/2023-08/fy2024-27necis.pdf>.

26 ⁶⁴ *Id.*

27 ⁶⁵ *Id.*

28 ⁶⁶ U.S. Envtl. Prot. Agency, *Implementing National Enforcement and Compliance Initiatives
 Consistently with Executive Orders and Agency Priorities* (Mar. 12, 2025),

1 163. ~~157.~~ The “Administrator’s Initiative” refers to EPA Administrator Lee
 2 Zeldin’s “Powering the Great American Comeback” initiative, which he announced on
 3 February 4, 2025. The initiative has five major pillars: (1) Clean Air, Land, and Water for
 4 Every American; (2) Restore American Energy Dominance; (3) Permitting Reform,
 5 Cooperative Federalism, and Cross-Agency Partnership; (4) Make the United States the
 6 Artificial Intelligence Capital of the World; and (5) Protecting and Bringing Back American
 7 Auto Jobs.⁶⁷

8 164. ~~158.~~ More generally, the March 12 Memo made clear that the EPA
 9 would conform to President Trump’s wishes, regardless of the agency’s congressional
 10 mandates.

11 165. ~~159.~~ In a court filing on April 23, 2025, an EPA Deputy Assistant
 12 Administrator (Dan Coogan) revealed that EPA leadership had conducted a review of grants
 13 to determine “which should be terminated based on alignment with Administration priorities.”
 14 He stated that “EPA began this process for the Administration in January 2025.”⁶⁸

15 166. ~~160.~~ Although the EPA asserted that this was an “individualized, grant-
 16 by-grant review,” it provided no substantiation that this occurred, and there is no reason to
 17 believe that it did. Instead, Mr. Coogan revealed that EPA was slated to terminate entire grant
 18 programs and spheres of activity that Congress had mandated in the Inflation Reduction Act.
 19 These included: (a) the Environmental Justice Collaborative Problem-Solving Cooperative
 20 Agreement Program; (b) Surveys, Studies, Investigations, Training and Special Purpose
 21 Activities Relating to Environmental Justice; (c) the Environmental Justice Government-to-
 22 Government Program; (d) the Environmental Justice Small Grant Program; (e) Financial
 23 Assistance for Community Support Activities To Address Environmental Justice Issues; (f)

24 https://www.epa.gov/system/files/documents/2025-03/necimemo-20250312.pdf.

25 ⁶⁷ U.S. Envtl. Prot. Agency, *ICYMI: Administrator Zeldin’s “Powering the Great American*
Comeback” Unveiled at the EPA (Feb. 4, 2025).

26 https://www.epa.gov/newsreleases/icymi-administrator-zeldins-powering-great-american-
 27 comeback-unveiled-epa.

28 ⁶⁸ U.S. Envtl. Prot. Agency, *EPA Court Filing* (Apr. 23, 2025),

https://www.documentcloud.org/documents/25919517-epa-court-filing-april-23-
 2025/?mode=document at ¶ 3.

1 the Environmental Justice Thriving Communities Grantmaking Program; (g) the
 2 Environmental and Climate Justice Block Grant Program; and (h) Reducing Embodied
 3 Greenhouse Gas Emissions for Construction Materials and Products.⁶⁹

4 167. ~~161.~~ Despite a district court's issuance of a preliminary injunction on
 5 April 15, 2025 preventing the EPA from indefinitely freezing grants previously awarded
 6 under Biden-era legislation,⁷⁰ Mr. Coogan stated that the EPA would maintain its grant
 7 terminations. He revealed that EPA had sent notices of termination to 377 grantees, and
 8 would send termination letters to an additional 404 grantees within two weeks.⁷¹

9 168. ~~162.~~ On information and belief, EPA turned its attention to universities
 10 and other research grants on or around April 15, 2025. According to reports, Mr. Coogan on
 11 that date sent an email directing staff to cancel existing grants awarded to universities and
 12 research institutes.⁷²

13 169. ~~163.~~ Grant termination documents make plain that the agency is not
 14 conducting any proper review of grants, but rather, baselessly terminating grants to promote
 15 the President's agenda. Grants terminated because they supposedly do not "effectuate agency
 16 priorities" (which mirror the President's priorities) include those intended to, for example,
 17 provide clean drinking water in rural communities or provide air purifiers for children with
 18 asthma.⁷³

19

20

21

⁶⁹ *Id.* at ¶ 6.

⁷⁰ National Council of Nonprofits, *Statement in Response to Preliminary Injunction Issued in Woonasquatucket River Watershed Council et al v. Department of Agriculture et al* (Apr. 15, 2025), <https://www.councilofnonprofits.org/pressreleases/statement-response-preliminary-injunction-issued-woonasquatucket-river-watershed>.

⁷¹ *Id.* at ¶ 5.

⁷² See Erik Stokstad, *EPA Orders Staff to Begin Canceling Research Grants*, Science (Apr. 21, 2025), <https://www.science.org/content/article/epa-orders-staff-begin-canceling-research-grants>; and Hiriko Tabuchi, *E.P.A. Set to Cancel Grants Aimed at Protecting Children from Toxic Chemicals*, The New York Times (Apr. 21, 2025), <https://www.nytimes.com/2025/04/21/climate/epa-cuts-forever-chemicals-grants.html>.

⁷³ Hayley Smith, *California Nonprofits Suffer After EPA Cancels Hundreds of Environmental Grants*, Los Angeles Times (May 8, 2025), <https://www.latimes.com/environment/story/2025-05-08/california-nonprofits-suffer-after-epa-cancels-hundreds-of-environmental-grants>.

170. ~~164.~~ Instead of providing researchers with reasoned explanations of termination decisions, the EPA is sending form termination letters. The letters are not personalized or even signed.

171. ~~165.~~ One such letter, received by Plaintiff Thakur on April 28, 2025, reads as follows:

Subject: Termination of EPA Assistance Agreement [Grant No.]
under 2 CFR 200.340
From: EPA Award Official
To: [Grant Recipient]

This EPA Assistance Agreement is terminated in its entirety effective immediately on the grounds that the award no longer effectuates the program goals or agency priorities. The objectives of the award are no longer consistent with EPA funding priorities.

The EPA Administrator has determined that, per the Agency's obligations to the constitutional and statutory law of the United States, this priority includes ensuring that the Agency's grants do not conflict with the Agency's policy of prioritizing merit, fairness, and excellence in performing our statutory functions. In addition to complying with the law, it is vital that the Agency assess whether all grant payments are free from fraud, abuse, waste, and duplication, as well as to assess whether current grants are in the best interests of the United States.

The grant specified above provides funding for programs that promote initiatives that conflict with the Agency's policy of prioritizing merit, fairness, and excellence in performing our statutory functions; that are not free from fraud, abuse, waste, or duplication; or that otherwise fail to serve the best interests of the United States. The grant is inconsistent with, and no longer effectuates, Agency priorities.

172. ~~166.~~ This pro-forma explanation citing vague “Agency priorities” does not constitute reasoned decision-making nor explain why the terminated grants no longer effectuate such priorities.

3. EPA Plaintiffs and Other Grant Recipients Are Harmed by EPA's Illegal Grant Terminations

173. ~~167.~~ Plaintiffs and Class members have long relied on EPA grants to fund meritorious projects aimed at protecting human health and the environment. The

1 termination of previously approved grants has caused and continues to cause Plaintiffs and
 2 Class members serious harm.

3 a. **Plaintiff Neeta Thakur's Grant Termination and Resulting**
 4 **Harm**

5 174. ~~168.~~ Dr. Neeta Thakur is a pulmonary and critical care specialist at the
 6 University of California, San Francisco (UCSF) who examines the role of social and
 7 environmental stressors on asthma and COPD in historically marginalized communities. She
 8 currently serves as Medical Director of the Zuckerberg San Francisco General Hospital Chest
 9 Clinic and is an associate professor of medicine and pulmonary and critical care clinician at
 10 UCSF.

11 175. ~~169.~~ Dr. Thakur's research focuses on (1) defining obstructive lung
 12 disease phenotypes that exist in racially and ethnically diverse communities and how these are
 13 shaped by social and environmental stressors; (2) identifying community-specific drivers that
 14 place individuals at high risk for poor outcomes; and (3) co-developing place-based and
 15 targeted interventions aimed at social and environmental stressors to improve respiratory
 16 outcomes in historically marginalized populations. In recognition of her research leadership,
 17 she was this year (2025) made faculty director of Clinical Research Operations for the
 18 Clinical Trials Operations Unit at UCSF's Clinical & Translational Science Institute.

19 176. ~~170.~~ Dr. Thakur's research has been supported by state grants, federal
 20 grants from the National Institutes of Health (NIH), foundation grants, and other sources.

21 Grant Application to EPA

22 177. ~~171.~~ In November 2021, Dr. Thakur submitted a grant application to
 23 EPA in response to its announcement of funding opportunity EPA-G2021-STAR-H1. This
 24 opportunity, made available through the agency's Science to Achieve Results (STAR)
 25 program, focused on "Cumulative Health Impacts at the Intersection of Climate Change,
 26 Environmental Justice, and Vulnerable Populations/Lifestages: Community-Based Research
 27 for Solutions."

28

1 178. ~~172.~~ The grant application, titled “Partnering for Resilient
 2 Opportunities To Eliminate Toxic (PROTECT) Health Effects from Wildfire PM2.5 in
 3 Environmental Justice Communities,” addressed the potential to prevent adverse health
 4 effects to environmental justice communities from the fine particulate matter (PM2.5) from
 5 wildfire smoke.

6 179. ~~173.~~ The proposal aimed to (1) estimate the health effects of sub-daily
 7 exposure to wildfire-specific PM2.5 in California, with particular focus on effects within
 8 environmental justice communities; (2) understand community recovery from short-term
 9 health effects following exposure; (3) understand indoor infiltration of wildfire smoke and the
 10 mitigating effect of housing quality and behaviors on health effects; and (4) identify
 11 acceptable, community-relevant interventions to mitigate exposure. Dr. Thakur was the
 12 Principal Investigator on the grant proposal, which included nine investigators across three
 13 institutions: UCSF, UC Berkeley, and California’s Office of Environmental Health Hazard
 14 Assessment.

15 180. ~~174.~~ The grant Application requested funding commensurate with the
 16 cumulative 3-year budget of \$1,330,536 to support this multi-campus, multi-agency, multi-
 17 nonprofit research collaboration.

18 EPA’s Grant Award

19 181. ~~175.~~ On November 22, 2022, an EPA Senior Grants Management
 20 Specialist, Jennifer Brooks, sent Dr. Thakur a Notice of EPA’s award and the Grant
 21 Agreement. The Agreement authorized the proposal for Project Period 12/01/2022-
 22 11/30/2025; committed an initial grant of \$690,000 (approximately half of project costs); and
 23 explained that EPA was “funding this agreement incrementally.”

24 182. ~~176.~~ On June 21, 2023, Brooks sent Dr. Thakur a second Notice of
 25 EPA Award and an Assistance Amendment. The Amendment likewise indicated that the team
 26 was authorized to proceed for Project Period 12/01/2022-11/30/2025. It stated that EPA was
 27 awarding \$640,536, bringing the total federal funding award to \$1,330, 536.

28 EPA’s Grant Termination

1 183. ~~177.~~ On April 28, 2025, EPA sent to the UC Regents an “Assistance
 2 Amendment” that instructed Thakur’s team to “stop work; terminate the [grant] agreement;
 3 reduce performance period duration; [and] curtail scope of work.” It stated that “(EPA)
 4 hereby awards \$0.00” towards any unfunded, as-yet-unincurred costs of the previously
 5 awarded \$1,330,536.

6 184. ~~178.~~ The Assistance Amendment stated: “The Agency is asserting its
 7 right under 2 C.F.R. 200.340 and the Termination General Term and Condition [sic] of this
 8 agreement to unilaterally terminate this award.” The Amendment was accompanied by a
 9 memorandum from EPA to the Director of Contracts and Awards at UCSF titled
 10 “Termination of EPA Assistance Agreement RD 84048101 under 2 CFR 200.340.”

11 185. ~~179.~~ The memo stated that EPA terminated Dr. Thakur’s grant because
 12 “the award no longer effectuates the program goals or agency priorities.” It further asserted
 13 that the grant “provides funding for programs that promote initiatives that conflict with the
 14 Agency’s policy of prioritizing merit, fairness, and excellence in performing our statutory
 15 functions; that are not free from fraud, abuse, waste, or duplication; or that otherwise fail to
 16 serve the best interests of the United States. The grant is inconsistent with, and no longer
 17 effectuates, Agency priorities.”

18 186. ~~180.~~ This explanation does not explain why the grant would contradict
 19 agency priorities when EPA Director Zeldin has announced new priorities under his
 20 “Powering the Great American Comeback” initiative that align fully with the purpose of Dr.
 21 Thakur’s grant. The first stated EPA priority is “Clean Air, Land, and Water for Every
 22 American.”⁷⁴ Dr. Thakur’s grant effectuates that purpose.

23 187. ~~181.~~ As a result of this unilateral, unlawful grant termination, Dr.
 24 Thakur has been unable to complete health analyses with UC Berkeley grantee-colleagues, or
 25 to identify promising strategies to protect community health across California during wildfire
 26 smoke events.

27 ⁷⁴ U.S. Envtl. Prot. Agency, *EPA Administrator Lee Zeldin Announces EPA’s “Powering the*
 28 *Great American Comeback” Initiative* (Feb. 4, 2025), <https://www.epa.gov/newsreleases/epa-administrator-lee-zeldin-announces-epas-powering-great-american-comeback>.

1 188. ~~182.~~ Instead, Dr. Thakur has had to spend significant time seeking
 2 alternate funding sources. This includes unexpected grant writing, and reaching out to other
 3 funding sources, including philanthropy groups. In addition, to support staff and avoid layoff
 4 of two individuals, she has had to use her own discretionary funds to support team members.

5 189. ~~183.~~ The UCSF and UC Berkeley researchers on this grant have also
 6 been unable to complete the proposed analyses of the health impacts of wildfire smoke events
 7 across California. This is after considerable work by UC Berkeley researchers to develop a
 8 map unprecedented in its detail, showing hourly levels of wildfire smoke by location. As a
 9 consequence of termination, at least three research publications will go unpublished that have
 10 the potential for high impact for public health and for science more generally.

11 190. ~~184.~~ The premature termination of this grant has also compromised the
 12 trust-building necessary for community-engaged participatory action research. It has taken
 13 years of effort for Dr. Thakur to develop relationships with the community based
 14 organizations and community-engaged individuals who assisted Dr. Thakur in obtaining this
 15 grant (by writing letters in support), with the expectation that her project would deliver
 16 tangible benefits to their low income communities in the form of improved respiratory health.
 17 EPA's termination of this grant will make it more difficult for her and her collaborators to
 18 partner with organizations such as the Central California Asthma Collaborative in Fresno and
 19 the environmental justice nonprofit Brightline in San Francisco, as well as a specific
 20 community-trusted scientist in Richmond.

21 191. ~~185.~~ Additionally, were Dr. Thakur and her team to eventually find
 22 replacement funding for this project (a difficult proposition given the sums at stake), they
 23 would no longer be adequate to cover personnel, equipment and outreach expenses.

24 192. ~~186.~~ These personal and financial harms are ongoing.

25 193. ~~187.~~ These harms are in addition to the loss of value to the public from
 26 Dr. Thakur's research team's inability to complete work on studying health risks from the fine
 27 particulate matter associated with wildfire, and inability to design health-protective
 28 interventions for three of California's most health-vulnerable communities.

b. Plaintiff Ken Alex's Grant Termination and Resulting Harm

194. ~~188.~~ Since 2019, Ken Alex has served as Director of Project Climate at the Center for Law, Energy & the Environment (CLEE) at UC Berkeley School of Law. He founded Project Climate, a think tank designed to move promising environmental research into the policy realm quickly.

195. ~~189.~~ Prior to joining CLEE, Alex worked for many years for Governor Jerry Brown on climate-related policy and, before that, for the California Attorney General's Office. His roles as climate policy expert and gubernatorial advisor on the topic were the subject of a 2020 profile in CalMatters.⁷⁵

EPA Grant Application

196. ~~190.~~ In 2022, EPA’s Office of Research and Development sought applications proposing research on air emissions from municipal solid waste (MSW) landfills, which are a significant source of methane emissions—one of Alex’s areas of expertise. The grant solicitation was part of EPA’s Science to Achieve Results (STAR) program, and was conducted in collaboration with the Air, Climate, and Energy (ACE) research program.

197. ~~191.~~ EPA’s request for applications solicited proposals that addressed EPA-identified research priorities, including “cost effective stationary, mobile, aerial, and remote sensing” technologies and measurements that could accurately quantify methane emissions from landfills and evaluate strategies to mitigate them. EPA also sought proposals that encompassed landfill emissions of “hazardous air pollutants (HAPs), and other air pollutant emissions from municipal solid waste (MSW) landfills.”⁷⁶

198. ~~192.~~ In collaboration with a UC Berkeley engineer with specialized expertise in landfill design and other researchers, Alex developed a detailed proposal for applying cutting edge technologies, including satellites and AI, to improve the detection of methane and HAP releases from landfills and to improve the quality of policy responses. The

⁷⁵ See Julie Cart, *Meet Ken Alex, Gov. Brown's Climate Concierge* (updated June 23, 2020), <https://calmatters.org/environment/2018/10/ken-alex-jerry-brown-climate-change-california/>.

⁷⁶ See EPA Solicitation for PA-G2023-STAR-B1, *Understanding and Control of Municipal Solid Waste Landfill Air Emissions*, https://cfpub.epa.gov/ncer_abstracts/index.cfm/fuseaction/display.rfatext/rfa_id/701.

1 Grant Application was submitted to EPA on December 21, 2022. It proposed a cumulative
 2 budget of \$999,999 (later rounded to \$1,000,000).

3 Award of Grant Funding

4 199. 193. On October 19, 2023, EPA notified UC Berkeley that it was
 5 awarding the grant, and provided the first of two installments of grant funding.

6 200. 194. On December 16, 2024, EPA notified UC Berkeley that it was
 7 awarding the second and final installment of grant funding, bringing the total funding
 8 awarded to \$1,000,000.

9 201. 195. The EPA’s web page, *Understanding and Control of Municipal*
 10 *Solid Waste Landfill Air Emissions Grants* ([https://www.epa.gov/research-](https://www.epa.gov/research-grants/understanding-and-control-municipal-solid-waste-landfill-air-emissions-grants)
 11 grants/understanding-and-control-municipal-solid-waste-landfill-air-emissions-grants)
 12 (accessed May 12, 2025) continues to publicize the grant as one among five awarded.

13 EPA’s Grant Termination

14 202. 196. On April 29, 2025, EPA sent to the UC Regents an “Assistance
 15 Amendment” that instructed Alex’s research team to “stop work; terminate the [grant]
 16 agreement; reduce performance period duration; [and] curtail scope of work.” It stated that
 17 “(EPA) hereby awards \$0.00” towards any unfunded, as-yet-unincurred costs of the
 18 previously awarded \$1,000,000.

19 203. 197. The Assistance Amendment stated: “The Agency is asserting its
 20 right under 2 C.F.R. 200.340 and the Termination General Term and Condition of this
 21 agreement to unilaterally terminate this award.” The Amendment was accompanied by a
 22 memorandum from EPA titled “Termination of EPA Assistance Agreement RD 84062301
 23 under 2 CFR 200.340.”

24 204. 198. The memo stated that EPA terminated Alex’s grant because “the
 25 award no longer effectuates the program goals or agency priorities.” The memo further
 26 asserted that the grant “provides funding for programs that promote initiatives that conflict
 27 with the Agency’s policy of prioritizing merit, fairness, and excellence in performing our
 28 statutory functions; that are not free from fraud, abuse, waste, or duplication; or that otherwise

1 fail to serve the best interests of the United States. The grant is inconsistent with, and no
 2 longer effectuates, Agency priorities.”

3 205. 199. The memo did not explain why Alex’s grant no longer effectuates
 4 EPA priorities, which currently include “Clean Air, Land, and Water for Every American.”

5 Harm from EPA’s Grant Termination

6 206. 200. Alex and his project team have suffered immediate harm as a
 7 result of the unlawful unilateral cancellation of the grant. Specifically, the team has been
 8 unable to continue and complete the novel work related to evaluating HAPs and their
 9 relationship to methane emissions from landfills. Furthermore, some of his researchers and
 10 graduate students have already lost hours and compensation, and one or more will likely be let
 11 go.

12 207. 201. Even if Alex and his team were eventually to find replacement
 13 funding for this project (a difficult proposition given the sum at stake), the delay and
 14 uncertainty would preclude full recovery of the project.

15 c. **Plaintiff Nell Green Nylen’s Grant Terminations and Resulting**
 16 **Harm**

17 208. 202. Dr. Nell Green Nylen joined the Wheeler Water Institute at the
 18 Center for Law, Energy & the Environment (CLEE) at UC Berkeley School of Law as a
 19 Research Fellow in 2013. Since 2016, she has been a Senior Research Fellow at CLEE,
 20 providing analysis and recommendations at the intersection of law, policy, and science to
 21 inform water governance and management.

22 209. 203. Much of Dr. Green Nylen’s work at CLEE has focused on
 23 improving management of water resources across hydrologic extremes—from times of water
 24 scarcity to times of abundance. This includes research on enhanced aquifer recharge (“EAR”),
 25 a tool for capturing water to increase groundwater supply. Another area of her focus has been
 26 improving the information and policy environment for implementing innovative water
 27 management solutions, including water reuse.

28

1 210. ~~204.~~ EPA unilaterally terminated two large grants Dr. Green Nylen was
 2 working on that were meant to fund collaborative work with other researchers on issues at the
 3 core of her technical and legal expertise.

4 EPA Enhanced Aquifer Recharge Grant Application and Funding

5 211. ~~205.~~ In 2021, EPA's Office of Research and Development sought
 6 applications proposing research to develop cost-benefit tools to support EAR. The grant
 7 solicitation was part of EPA's Science to Achieve Results (STAR) program and solicited
 8 research proposals that would "identify the key economic, technological, institutional, and
 9 legal factors that affect the ability to implement" EAR projects; identify best practices and
 10 tools for implementing EAR projects to achieve different purposes; and, ultimately, "improve
 11 life-cycle cost-benefits analysis to support cost-effective enhanced aquifer recharge."

12 212. ~~206.~~ Dr. Green Nylen was part of a UC Berkeley team that collaborated
 13 with a broader multi-disciplinary team of researchers from UC Davis, UC Santa Cruz, and UC
 14 Law San Francisco to develop a proposal that they submitted to EPA on January 13, 2022.

15 213. ~~207.~~ The proposal—titled "A Knowledge-to-Implementation
 16 Framework for Enhanced Aquifer Recharge"—described a three-year project with outputs
 17 including: (a) developing guidance on evaluating EAR sites, determining what conditions are
 18 necessary to effectively maintain an EAR project, and ensuring that EAR projects maintain
 19 aquifer water quality; (b) developing guidance on navigating the legal, policy, and
 20 organizational contexts for EAR; (c) developing recommendations for legal and policy
 21 changes that could facilitate EAR; (d) developing a generalized framework for cost-benefit
 22 analysis of EAR projects; and (e) creating a capstone "Lifecycle Map" report on EAR. In
 23 other words, the outputs would provide one-stop shopping for people interested in planning,
 24 evaluating, and implementing EAR projects. The Grant Application proposed a cumulative
 25 budget of \$2,000,000 (later adjusted to \$1,999,998).

26 214. ~~208.~~ On July 20, 2022, EPA notified UC Berkeley that it was awarding
 27 the grant. The award was publicized on EPA's web page, *Life-Cycle Analysis to Support*
 28 *Cost-Effective Enhanced Aquifer Recharge Grant* (<https://www.epa.gov/research-grants/life->

1 cycle-analysis-support-cost-effective-enhanced-aquifer-recharge-grant). The grant's original
 2 end date was August 31, 2025. On April 10, 2025, Dr. Green Nylen's team requested a no-
 3 cost extension of the grant for which they received verbal approval and were awaiting formal
 4 written approval.

5 EPA's Termination of the Enhanced Aquifer Recharge Grant

6 215. ~~209.~~ On May 7, 2025, EPA sent the UC Regents a document styled as
 7 an "Assistance Amendment" that instructed Dr. Green Nylen's team to "stop work; terminate
 8 the [grant] agreement; reduce performance period duration; [and] curtail scope of work." It
 9 also stated that "(EPA) hereby awards \$0.00" towards any as-yet-unincurred costs. Through
 10 the Assistance Amendment, EPA was purportedly "asserting its right under 2 CFR 200.340
 11 and the Termination General Term and Condition of this agreement to unilaterally terminate
 12 this award."

13 216. ~~210.~~ The Amendment was accompanied by a memorandum from EPA
 14 to the Contracts and Grants Officer for the Regents of the University of California titled
 15 "Termination of EPA Assistance Agreement RD- 84046301-1 under 2 CFR 200.340." The
 16 memo stated that EPA terminated Dr. Green Nylen's grant because, according to the memo,
 17 "the award no longer effectuates the program goals or agency priorities." The memo further
 18 asserted that the grant "provides funding for programs that promote initiatives that conflict
 19 with the Agency's policy of prioritizing merit, fairness, and excellence in performing our
 20 statutory functions; that are not free from fraud, abuse, waste, or duplication; or that otherwise
 21 fail to serve the best interests of the United States. The grant is inconsistent with, and no
 22 longer effectuates, Agency priorities."

23 217. ~~211.~~ The memo did not explain why EPA had concluded that Dr. Green
 24 Nylen's award is "no longer consistent with EPA funding priorities," which are defined partly
 25 by governing statutes, and federal statutes specifically identify EAR research as an EPA
 26 funding priority and mandate. *See* 33 U.S.C § 1276. It also did not explain why the project
 27 was inconsistent with the EPA's priority pillars, which include ensuring that "[e]very

28

1 American [has] access to clean air, land, and water” and prioritizing permitting reform.⁷⁷ The
 2 core purpose of the team’s research is promoting access to clean water.

3 **EPA Water Reuse Grant Application and Funding**

4 218. ~~212.~~ In 2021, EPA’s Office of Research and Development sought
 5 applications proposing research designed to “accelerate water innovation, information
 6 availability, and engagement to advance clean and safe water reuse goals, promote better
 7 understanding of the Nation’s water and wastewater treatment and infrastructure, and enhance
 8 the availability and efficient use of water resources through water reuse.”

9 219. ~~213.~~ In response to the solicitation, the Director of the Wheeler Water
 10 Institute at CLEE and Dr. Green Nylen collaborated with a multi-disciplinary team of
 11 researchers from Iowa State University and the University of Rhode Island to develop a
 12 research proposal aimed at accelerating readiness for water reuse in small water systems
 13 across the nation.

14 220. ~~214.~~ The lead Principal Investigator at Iowa State University submitted
 15 the grant proposal—titled “Accelerating Technical and Community Readiness for Water
 16 Reuse in Small Systems”—to EPA on September 29, 2021. It described a four-year project
 17 that would (a) develop methods to inventory sources of water for beneficial reuse across the
 18 nation; (b) produce guidance on water source / treatment technology / end-use combinations
 19 that may be appropriate for small communities; (c) support cost-benefit analysis of different
 20 water reuse options in small communities; (d) survey small communities to assess public
 21 attitudes towards different water reuse options; (e) produce guidance on opportunities for
 22 fostering institutional innovation to overcome barriers to water reuse in small communities;
 23 and (f) construct implementation roadmaps centered around windows of opportunity for water
 24 reuse for several case-study communities.

25 221. ~~215.~~ The Grant Application proposed a total budget of \$4,057,500,
 26 combining a request for \$3,246,000 of federal funds with a commitment from the research

27 ⁷⁷ See Administrator Lee Zeldin Announces EPA’s “*Powering the Great American Comeback*”
 28 Initiative, EPA (Feb. 4, 2025), <https://www.epa.gov/newsreleases/epa-administrator-lee-zeldin-announces-epas-powering-great-american-comeback>.

1 team to provide an \$811,500 cost share from other sources. The budget included (a) personnel
 2 and personnel travel costs; (b) participant support costs; (c) laboratory supplies and laboratory
 3 user fees; (d) support for consultants; (e) tuition remission for graduate students; and (f)
 4 indirect costs. This included a subaward of \$559,941 to UC Berkeley.

5 [222.](#) [216.](#) On August 8, 2022, EPA notified Iowa State University that it was
 6 awarding the grant, and Iowa State University notified the subrecipients, including UC
 7 Berkeley. The award was publicized on EPA's web page, *National Priorities: Water
 8 Innovation, Science and Engagement to Advance Water Reuse Grants*
 9 ([https://www.epa.gov/research-grants/national-priorities-water-innovation-science-and-
 engagement-advance-water-reuse-1](https://www.epa.gov/research-grants/national-priorities-water-innovation-science-and-engagement-advance-water-reuse-1)).

11 EPA's Termination of the Water Reuse Grant

12 [223.](#) [217.](#) On May 12, 2025, EPA sent to Iowa State University a document
 13 styled as an “Assistance Amendment” that instructed Dr. Green Nylen’s team to “stop work;
 14 terminate the [grant] agreement; reduce performance period duration; [and] curtail scope of
 15 work.” It also stated that “(EPA) hereby awards \$0.00” towards any as-yet-unincurred costs.
 16 Through the Assistance Amendment, the EPA was purportedly “asserting its right under 2
 17 CFR 200.340 and the Termination General Term and Condition of this agreement to
 18 unilaterally terminate this award.”

19 [224.](#) [218.](#) The Amendment was accompanied by a memorandum from EPA
 20 to the Pre-Award Administrator at Iowa State University titled “Termination of EPA
 21 Assistance Agreement CR- 84046101 under 2 CFR 200.340.” The memo stated that EPA
 22 terminated Dr. Green Nylen’s grant because, according to the memo, “the award no longer
 23 effectuates the program goals or agency priorities.” The memo further asserted that the grant
 24 “provides funding for programs that promote initiatives that conflict with the Agency’s policy
 25 of prioritizing merit, fairness, and excellence in performing our statutory functions; that are
 26 not free from fraud, abuse, waste, or duplication; or that otherwise fail to serve the best
 27 interests of the United States. The grant is inconsistent with, and no longer effectuates,
 28

1 Agency priorities.” The reasons provided for termination of the EPA Water Reuse Grant and
 2 the EPA Enhanced Aquifer Recharge Grant were identical.

3 225. ~~219.~~ As with the EPA Enhanced Aquifer Recharge Grant, the
 4 termination memo for the EPA Water Reuse Grant did not explain how EPA concluded that
 5 the award is “no longer consistent with EPA funding priorities,” even though EPA states that
 6 addressing the wastewater challenges of small, rural communities remains one of its ongoing
 7 priorities.⁷⁸

8 **Harm from the Grant Terminations**

9 226. ~~220.~~ Dr. Green Nylen, and the larger project teams for both grant
 10 projects, have suffered immediate harm as a result of the cancellation of these grants.

11 227. ~~221.~~ For the Enhanced Aquifer Recharge Grant, the harms include: an
 12 inability to proceed with the basic work of refining the team’s analysis and distilling that
 13 information for the capstone Lifecycle Map report and the team’s inability to work together to
 14 complete the capstone report and the accompanying cost-benefit analysis decision support
 15 tool.

16 228. ~~222.~~ For the Water Reuse Grant, the harms include an inability to
 17 proceed with the basic work of the project. For example, the team has been unable to continue
 18 their interview-based research. Further, if the funding is not reinstated, the work that has
 19 already gone into the project will go to waste.

20 229. ~~223.~~ For both grants, even if replacement funding is secured, the delay
 21 will preclude full recovery of the project. The current teams are unlikely to be able to stay
 22 together over a prolonged period. Further, time spent searching for replacement funding has
 23 considerable opportunity and financial costs (as well as societal costs), as that time would
 24 otherwise be allocated to work on other water-related research projects that confer public
 25 benefit.

26
 27 ⁷⁸ See *EPA Announces \$49 Million in Technical Assistance to Help Rural, Small, and Tribal*
 Communities Address Wastewater Challenges (Apr. 29, 2025),
 28 [https://www.epa.gov/newsreleases/epa-announces-49-million-technical-assistance-help-rural-](https://www.epa.gov/newsreleases/epa-announces-49-million-technical-assistance-help-rural-small-and-tribal-0)
 [small-and-tribal-0](https://www.epa.gov/newsreleases/epa-announces-49-million-technical-assistance-help-rural-small-and-tribal-0).

1 230. 224. In addition, at CLEE, the jobs of every member of the water team
 2 are currently threatened by these grant terminations. CLEE is a self-funded entity at UC
 3 Berkeley that does not receive general salary support from the University. Without grant and
 4 contract funding, the team members will not get paid their full salary and could lose their
 5 jobs. Absent the reinstatement of these grants, members of the team could likely be let go in
 6 the coming months.

7 **B. National Endowment for the Humanities**

8 231. 225. The National Endowment for the Humanities (“NEH”) is an
 9 independent federal agency established to support the advancement of the humanities across
 10 the United States.

11 **1. Congress Established NEH to Fund Projects to Support Humanities**
 12 **Research, Training, and Education**

13 232. 226. Congress created NEH in 1965, as part of the National Foundation
 14 on the Arts and Humanities Act of 1965 (“NFAHA”). Pub. L 89-209, 79 Stat. 845 (Sept. 29,
 15 1965) (codified at 20 U.S.C. §§ 951-60).

16 233. 227. The legislation was the result of years of advocacy to ensure that
 17 arts and humanities were not left behind as the nation focused on scientific progress. As laid
 18 out in the enabling statute, a “high civilization must not limit its efforts to science and
 19 technology alone but must give full value and support to the other great branches of man’s
 20 scholarly and cultural activity.” P.L. 89-209, sec. 2(2). Congress further explained that it was
 21 necessary and appropriate for the federal government to create and sustain a “climate
 22 encouraging freedom of thought, imagination, and inquiry.” *Id.* at (4).

23 234. 228. In the sixty years since NFAHA’s passage, Congress has
 24 repeatedly reaffirmed its commitment to these goals. Last updated in 1990, the enabling
 25 statute makes clear that the “humanities belong to all people of the United States,” 20 U.S.C.
 26 § 951(1), and that “[d]emocracy demands wisdom and vision in its citizens. It must therefore
 27 foster and support a form of education, and access to the arts and the humanities, designed to

1 make people of all backgrounds and wherever located masters of their technology and not its
 2 unthinking servants.” *Id.* at § 951(4).

3 235. 229. In other words, congressional intent was to ensure that what is
 4 now sometimes short-handed as “DEI,” and branded by Defendants as illegal and undesirable,
 5 was Congress’s actual mandate, unchanged for 60 years, until upended on Inauguration Day.

6 236. 230. Congress determined it is “necessary and appropriate for the
 7 Federal Government to complement, assist, and add to programs for the advancement of the
 8 humanities and the arts by local, State, regional, and private agencies and their organizations.”
 9 20 U.S.C. § 951(5). Congress created NEH and its sister agency the National Endowment for
 10 the Arts (“NEA”) so Americans could understand “the diversity of excellence that comprises
 11 our cultural heritage.” *Id.* at 951(9).

12 237. 231. Accordingly, Congress established NEH to provide funding for
 13 individuals involved in research, publication of scholarly works, and promotion of the
 14 humanities. *See* 20 U.S.C. § 956. Under the statute, the Chairperson of the NEH is
 15 “authorized to enter into arrangements, including contracts, grants, loans, and other forms of
 16 assistance” to effectuate these goals. *Id.*

17 238. 232. Congress’s directives for NEH specifically require it to support
 18 diverse and underrepresented viewpoints.

19 239. 233. For example, one statutory function of NEH is to authorize grants
 20 to “initiate and support programs and research which have substantial scholarly and cultural
 21 significance and that reach, or reflect the diversity and richness of our American cultural
 22 heritage, including the culture of, a minority, inner city, rural, or tribal community.” 20 U.S.C.
 23 § 956(c)(4).

24 240. 234. Likewise, in selecting recipients of funding, NEH’s Chairperson
 25 “shall give particular regard to scholars, and educational and cultural institutions, that have
 26 traditionally been underrepresented.” 20 U.S.C. § 956(c).

27 241. 235. Congress’s commitment to funding humanities initiatives that
 28 mirror the breadth and diversity of American culture is clear in the structure of the grant-

1 making process. Under the statute, the Chairperson of the NEH determines funding “with the
 2 advice of the National Council on the Humanities.” 20 U.S.C. § 956(c).

3 242. 236. The Council is comprised of twenty-six members appointed by the
 4 President, “selected from among private citizens of the United States who are recognized for
 5 their broad knowledge of, expertise in, or commitment to the humanities,” and who will
 6 “provide a comprehensive representation of the view of scholars and professional
 7 practitioners in the humanities and of the public throughout the United States.” 20 U.S.C.
 8 § 957(b). In making appointments, the “President shall give due regard to equitable
 9 representation of women, minorities, and individuals with disabilities who are involved in the
 10 humanities.” *Id.*

11 243. 237. NEH’s Chairperson “shall not approve or disapprove any such
 12 application [for funding] until the Chairperson has received the recommendation of the
 13 Council.” *Id.* at § 957(f).

14 244. 238. NEH’s other statutory functions include providing funding to:

- 15 a. develop and encourage the pursuit of a national policy for the
 promotion of progress and scholarship in the humanities;
- 16 b. initiate and support research and programs to strengthen the
 research and teaching potential of the United States in the humanities by making arrangements
 with individuals or groups to support such activities;
- 17 c. initiate and support training and workshops in the humanities by
 making arrangements with institutions or individuals;
- 18 d. foster international programs and exchanges;
- 19 e. foster the interchange of information in the humanities;
- 20 f. foster, with groups, education in, and public understanding and
 appreciation of the humanities;
- 21 g. support the publication of scholarly works in the humanities;

h. ensure that the benefit of its programs will also be available to our citizens where such programs would otherwise be unavailable due to geographic or economic reasons; and

- i. foster programs and projects that provide access to, and preserve materials important to research, education, and public understanding of, the humanities.

20 U.S.C. § 956.

245. ~~239.~~ For sixty years, NEH has carried out its duty to fund research, training, and education that advance the humanities. Since 1965, NEH has awarded over \$6 billion to support “museums, historic sites, universities, teachers, libraries, documentary filmmakers, public TV and radio stations, research institutions, scholars, and local humanities programming.”⁷⁹ Indeed, NEH is the largest federal funder of the humanities, and (at least until recently) offered 47 grant programs that support humanities work around the country.⁸⁰

246. ~~240.~~ Since its inception, NEH funding has contributed to over 70,000 projects in all 50 states and jurisdictions; over 9,000 books (including 20 Pulitzer Prize winners); and over 500 film and radio programs (including six Oscar nominees, 30 Peabody award winners, and 27 Emmy award winners).⁸¹ NEH funding has also supported collecting the papers of twelve United States presidents and of several other notable American figures including Mark Twain, Thomas Edison, Martin Luther King Jr., and Ernest Hemingway.⁸²

247. ~~241.~~ NEH has long had a strong relationship with the UC system. In 1974, for example, NEH supported UC Berkeley as it launched what would become the National Writing Project, which trains teachers to help youth nationwide learn how to do research, form arguments, and write publicly on topics they care about.⁸³ And in 2011, NEH and China’s Ministry of Culture hosted a “Bi-national Conversation on Bridging Cultures” at

⁷⁹ Nat'l Endowment for the Humanities, <https://www.neh.gov/>, (last visited May 27, 2025).

⁸⁰ Nat'l Endowment for the Humanities, *Grants*, <https://www.neh.gov/grants> (last visited May 27, 2025).

⁸¹ Nat'l Endowment for the Humanities, NEH Funding by the Numbers (description of data on homepage), <https://www.neh.gov/> (last visited May 27, 2025).

82 *Id.*

⁸³ Nat'l Writing Project, <https://www.nwp.org/> (last visited May 29, 2025).

1 UC Berkeley, bringing together artists, writers, historians, and political theorists of both
 2 countries.⁸⁴

3 248. 242. As designed by statute, NEH funding supports a broad array of
 4 projects, including preserving endangered languages, digitizing early newspapers, depicting
 5 the history of the civil rights struggle through film, and detailing what life was like for early
 6 American colonists.⁸⁵

7 249. 243. Prior to January 20, 2025, NEH funding recipients were selected
 8 after a rigorous review process. Every year, NEH recruits over 1,000 experts from every state
 9 and organizes them into 200 review panels that evaluate roughly 5,700 grant applications. The
 10 panels are selected for their expertise in disciplines relevant to the grant programs.⁸⁶ The
 11 panels are announced in the Federal Register, and panelists' names are listed in NEH's annual
 12 reports.

13 250. 244. This exacting review proceeded as follows: After a grant
 14 application was submitted, it was assigned to a specific peer-review panel based on academic
 15 discipline, institutional type, project area, or project type. The evaluators on the panel read all
 16 assigned applications and assigned them a rating based on "NEH's published review criteria
 17 and program guidelines." These criteria "emphasize humanities significance, the applicant's
 18 abilities and qualifications, the proposal's clarity of expression, and the project's feasibility,
 19 design, cost, and work plan."⁸⁷ After each evaluator assessed the application, the panel would
 20 meet to discuss the applications.

21 251. 245. Next, NEH staff reviewed the panels' work and recommended the
 22 most meritorious applications to the National Council (described above). The Council meets
 23 three times a year to discuss the applications and finalize recommendations to the

25 ⁸⁴ Nat'l Endowment for the Humanities, *NEH Timeline*,
 26 <https://www.neh.gov/about/history/timeline> (last visited May 27, 2025).

27 ⁸⁵ See, e.g., Nat'l Endowment for the Humanities, *NEH Essentials*,
 28 <https://www.neh.gov/essentials> (last visited May 27, 2025).

28 ⁸⁶ Nat'l Endowment for the Humanities, *NEH's Application Review Process*,
 28 <https://www.neh.gov/grants/application-process> (last visited June 2, 2025).

28 ⁸⁷ *Id.*

1 Chairperson.⁸⁸ The Chairperson made the final funding decisions, taking into account the
 2 advice provided throughout the review process.⁸⁹

3 252. ~~246.~~ Each year, NEH typically makes about 900 grants, ranging from
 4 approximately \$1,000 to \$750,000 each. Across all grant programs, only about sixteen percent
 5 of applications receive funding.⁹⁰ The projects selected for funding by NEH thus represent the
 6 best of the best.

7 253. ~~247.~~ Congress has repeatedly affirmed its support for NEH's mission,
 8 appropriating funds for grant-making every fiscal year.

9 254. ~~248.~~ In the 2024 Appropriations Act, for example, Congress
 10 appropriated \$207,000,000 to NEH, with \$192,000,000 specifically designated for grants,
 11 loans, contracts, and other assistance to further the purposes set forth under 20 U.S.C.
 12 § 956(c), and \$15,000,000 designated to carry out NEH's "matching grants" program. Pub. L.
 13 118-42, 138 Stat. 25, 281-82 (Mar. 9, 2024).

14 255. ~~249.~~ On March 15, 2025, notwithstanding the Executive Orders or
 15 DOGE's mandates, Congress enacted a Continuing Appropriations and Extensions Act, which
 16 re-appropriated all of the funds appropriated to NEH under the 2024 Act. Pub. L. 119-4,
 17 §§ 1101-08, 139 Stat. 9, 10-12 (Mar. 15, 2025). NEH thus received another roughly \$200
 18 million to spend on grants. NEH announced \$22.6 million in grants for 219 humanities
 19 projects across the country on January 14, 2025.⁹¹

20 **2. In Response to Trump Administration Directives, NEH Improperly**
 21 **Changed Priorities and Canceled Existing Grants**

22 256. ~~250.~~ Around the very same time Congress was re-appropriating grant-
 23 making funds to NEH, as noted above, the agency came under fire from the Trump
 24 Administration.

25 ⁸⁸ *Id.*

26 ⁸⁹ *Id.*

27 ⁹⁰ *Id.*

28 ⁹¹ Nat'l Endowment for the Humanities, *NEH Announces \$22.6 Million for 219 Humanities Projects Nationwide*, <https://www.neh.gov/news/neh-announces-grant-awards-jan-2025> (last visited May 27, 2025)..

1 257. 251. On March 13, 2025, NEH Chair Shelly Low was directed by the
 2 White House to resign. Shortly thereafter, DOGE agents began visiting NEH. DOGE actors
 3 recommended dramatically cutting NEH staff and cancelling grants made under the Biden
 4 administration that had not been fully paid out.⁹² According to reports, Acting NEH Chair
 5 Michael McDonald told staff that DOGE wanted to claw back \$175 million in undispersed
 6 grant money.⁹³

7 258. 252. On March 20, 2025, NEH posted a webpage titled “NEH
 8 Implementation of Recent Executive Orders.” The page stated that NEH was updating the
 9 Funding Restrictions section of its Notices of Funding Opportunities (“NOFOs”) in order “to
 10 comply with several recent Executive Orders, including ‘Ending Radical and Wasteful
 11 Government DEI Programs and Preferencing,’ ‘Defending Women from Gender Ideology
 12 Extremism and Restoring Biological Truth to the Federal Government,’ and ‘Ending Radical
 13 Indoctrination in K-12 Schooling.’”⁹⁴

14 259. 253. The page provided “Frequently Asked Questions,” including, for
 15 example, Q: “Does the addition of the new guidance on gender ideology ... mean that NEH
 16 will not fund projects on ... the suffragist movement?” A: “No, not necessarily. The
 17 restrictions only apply to the categories mentioned in the relevant Executive Orders. We
 18 encourage you to read the relevant Executive Orders and consider whether your project’s
 19 topic – joining with its goals, methodology, activities, and intended audience – seems
 20 allowable.”

21 260. 254. The page only discussed the implication of the Executive Orders
 22 on grant applications, not terminations of existing grants.

23
 24
 25 ⁹² Jennifer Schuessler, *DOGE Demands Deep Cuts at Humanities Endowment*, N.Y. Times (Apr.
 26 1, 2025), <https://www.nytimes.com/2025/04/01/arts/trump-doge-federal-cuts-humanities.html>.

27 ⁹³ Elizabeth Blair, *Cultural groups across U.S. told that federal humanities grants are terminated*,
 28 NPR (Apr. 3, 2025), <https://www.npr.org/2025/04/03/nx-s1-5350994/neh-grants-cut-humanities-doge-trump>.

⁹⁴ Nat’l Endowment for the Humanities, *Implementation of Recent Executive Orders* (Mar. 20,
 2025), <https://www.neh.gov/executive-orders>.

1 261. ~~255.~~ Nonetheless, on or around April 2, 2025, recipients of NEH grant
 2 funding began receiving emails informing them that their grants had been terminated.
 3 Peculiarly, these emails did not come from an NEH server or government email address, but
 4 rather, from “Grant_Notifications@nehemail.onmicrosoft.com.”⁹⁵ The terminations were not
 5 made through NEH’s grants management system.

6 262. ~~256.~~ The emails attached a form termination letter. On information and
 7 belief, the termination letters sent to all grantees on April 2 and thereafter were nearly
 8 identical and lacked any individualized analysis or discussion of any terminated grant.

9 263. ~~257.~~ The termination letters received by Plaintiffs and Class members
 10 contained the following “explanation” for the terminations:

11 Your grant no longer effectuates the agency’s needs and priorities
 12 and conditions of the Grant Agreement and is subject to termination
 13 due to several reasonable causes, as outlined in 2CFR§200.340. NEH
 14 has reasonable cause to terminate your grant in light of the fact that
 15 the NEH is repurposing its funding allocations in a new direction in
 16 furtherance of the President’s agenda. The President’s February 19,
 17 2025 executive order mandates that the NEH eliminate all non-
 18 statutorily required activities and functions. *See Commencing the*
Reduction of the Federal Bureaucracy, E.O. 14217 (Feb. 19, 2025).
 19 Your grant’s immediate termination is necessary to safeguard the
 20 interests of the federal government, including its fiscal priorities. The
 21 termination of your grant represents an urgent priority for the
 22 administration, and due to exceptional circumstances, adherence to
 23 the traditional notification process is not possible. Therefore, the
 24 NEH hereby terminates your grant in its entirety effective April 1,
 25 2025.

26 264. ~~258.~~ Although the termination letter to NEH grantees states that
 27 Executive Order 14217 “mandates that the NEH eliminate all non-statutorily required
 28 activities and functions,” that Order in fact makes no mention of NEH (despite mentioning
 other agencies).⁹⁶

24 ⁹⁵ Adding yet another layer of irregularity, the “onmicrosoft.com” domain is notoriously used by
 25 cybercriminals and other malicious actors to carry out phishing attacks. *See, e.g.,* Smedh Arun
 26 Patil, Cloud That, *Proactive Strategies Against “onmicrosoft.com” Phishing Attacks* (Dec. 13,
 2023), <https://www.cloudthat.com/resources/blog/proactive-strategies-against-onmicrosoft-com-phishing-attacks>

27 ⁹⁶ *See Exec. Order No. 14217, Commencing the Reduction of the Federal Bureaucracy*, 90 Fed.
 28 Reg. 10577 (Feb. 25, 2025), <https://www.federalregister.gov/documents/2025/02/25/2025-03133/commencing-the-reduction-of-the-federal-bureaucracy>. President Trump also issued Exec. Order 14238, *Continuing the Reduction of the Federal Bureaucracy*, on March 14, 2025, <https://www.federalregister.gov/documents/2025/03/20/2025-04868/continuing-the-reduction-of-the-federal-bureaucracy>.

1 265. ~~259.~~ The termination letters make no effort to explain how or why the
 2 relevant grant fails to “effectuate[] the agency’s needs and priorities” or otherwise warrant
 3 termination. Nor did they address NEH’s prior assessment—through its comprehensive panel
 4 and Council review process—that these projects *do* effectuate agency priorities and are
 5 aligned with the statutory mandate and goals of NEH.

6 266. ~~260.~~ The termination letters likewise fail to explain what “exceptional
 7 circumstances” preclude adherence to ordinary notification procedures.

8 267. ~~261.~~ Additionally, the termination letters included no reference to any
 9 method for appeal or to seek reconsideration, even though NEH’s General Terms and
 10 Conditions require that grantees have a right to appeal a termination.⁹⁷

11 268. ~~262.~~ On April 24, 2025—three weeks *after* NEH began terminating
 12 existing grants—the agency issued a press release titled: “An Update on NEH Funding
 13 Priorities and the Agency’s Recent Implementation of Trump Administration Executive
 14 Orders.”⁹⁸

15 269. ~~263.~~ The press release stated that NEH had, in recent weeks, “taken
 16 several internal operational steps to improve efficiency, eliminate offices that are not essential
 17 to fulfilling its statutory requirements, and to return to being a responsible steward of taxpayer
 18 funds.”⁹⁹ It further stated that NEH had also taken steps to “ensure that all future awards will,
 19 among other things, be merit-based, awarded to projects that do not promote extreme

20
 21 the-federal-bureaucracy. This Order also made no mention of NEH.

22 ⁹⁷ See Nat’l Endowment for the Humanities, *General Terms and Conditions for Awards to*
Organizations (for grants and cooperative agreements issued between January 1, 2022, and
September 30, 2024 (Mar. 15, 2025), https://www.neh.gov/general-terms-and-conditions-awards-organizations-grants-and-cooperative-agreements-issued-january-2022#_Toc92721724, section
 23 13 (terms for grants issued January 1, 2022 to September 30, 2024) and Nat’l Endowment for the
 24 Humanities, *General Terms and Conditions for Awards to Organizations (for grants and*
cooperative agreements issued October 1, 2024, or later) (Mar. 13, 2025),
<https://www.neh.gov/general-terms-and-conditions-grants-after-oct-2024>, section XIII (terms for
 25 grants issued October 1, 2024 or later).

26 ⁹⁸ Nat’l Endowment for the Humanities, *An Update on NEH Funding Priorities and the Agency’s*
Recent Implementation of Trump Administration Executive Orders,
<https://www.neh.gov/news/update-neh-funding-priorities-and-agencys-recent-implementation-trump-administration-executive> (last visited May 27, 2025).

27 ⁹⁹ *Id.*

1 ideologies based upon race or gender, and that help to instill an understanding of the founding
 2 principles and ideals that make America an exceptional country.”

3 270. ~~264.~~ As part of the press release, NEH issued a new “Statement on
 4 NEH Priorities” and “Frequently Asked Questions.”¹⁰⁰

5 271. ~~265.~~ The “Statement on NEH Priorities” reads as follows:

6 Founded in 1965, the National Endowment for the Humanities
 7 (NEH) is a grant-making agency of the U.S. government dedicated
 8 to supporting exemplary humanities research and programming in
 9 service of the American people. It does so by investing in the most
 10 meritorious proposals for the advancement and dissemination of
 11 humanities learning.

12 As set forth in NEH’s enabling legislation, the humanities include
 13 the study of modern and classical languages, linguistics, literature,
 14 history, jurisprudence, philosophy, archaeology, comparative
 15 religion, ethics, the history of the arts, and those aspects of the social
 16 sciences which have humanistic content and use humanistic methods,
 17 as well as other areas.

18 To bring the wisdom of the humanities to all Americans, NEH
 19 supports research projects that advance humanistic learning,
 20 preservation projects that ensure access to significant humanities
 21 resources, education projects that strengthen teaching in the
 22 humanities, and public programing that conveys the best of the
 23 humanities to all Americans.

24 Moving forward, NEH is especially interested in projects on the
 25 nation’s semiquincentennial and U.S. history more generally. In
 26 addition, the agency will be more finely attuned to its statutory
 27 responsibility that “funding should contribute to public support and
 28 confidence in the use of taxpayer funds.”

29 As per longstanding agency policy, NEH-supported projects must
 30 not promote a particular political, religious, or ideological point of
 31 view and must not engage in political or social advocacy. NEH-
 32 supported projects should not preference some groups at the expense
 33 of others and should ultimately support public purposes.

34 The principles of intellectual significance, merit, competition, and
 35 equal opportunity lie at the heart of NEH’s mission.

36 272. ~~266.~~ Two of the posted “Frequently Asked Questions” addressed the
 37 terminated grants:

38 Q: Why is NEH cancelling awards?

28 ¹⁰⁰ Nat’l Endowment for the Humanities, *Updates on NEH Priorities* (Apr. 24, 2025),
 https://www.neh.gov/updates-neh-priorities.

1 A: All federal grantmaking agencies, including NEH, must
 2 ensure that taxpayer dollars are spent effectively and are
 3 consistent with each agency's mission. This requires that
 4 NEH regularly evaluate its funding priorities within the
 policy framework established by Congress, the
 Administration, and the head of NEH. Awards and
 programming must align with these priorities.

5 Q: What types of awards are being cancelled?

6 A: In collaboration with the Administration, NEH has cancelled
 7 awards that are at variance with agency priorities, including
 8 but not limited to those on diversity, equity, and inclusion
 (or DEI) and environmental justice, as well as awards that
 may not inspire public confidence in the use of taxpayer
 funds.

9 273. ~~267.~~ This post-hoc explanation does not constitute reasoned decision-
 10 making, nor could it provide appropriate notice to grant recipients that their grants would be
 11 terminated, or constitute sufficient rationale therefor.

12 274. ~~268.~~ NEH's new "priorities" also directly contradict its statutory
 13 mandate to make grants that "reflect the diversity and richness of our American cultural
 14 heritage" and "give particular regard to scholars, and educational and cultural institutions, that
 15 have traditionally been underrepresented." 20 U.S.C. § 956(c).

16 275. ~~269.~~ As it explains in its new statements, NEH has dramatically
 17 narrowed its definition of agency "priorities" based on Defendant Trump's Executive Orders
 18 or otherwise in "collaboration with the Administration."

19 276. ~~270.~~ In so doing, NEH improperly ignores the statutory priorities
 20 Congress set out in 20 U.S.C. § 956, which Congress reaffirmed by allocating additional
 21 grant-making funds to NEH in March 2025.

22 **3. NEH Plaintiffs And Other Grant Recipients Are Harmed by NEH's**
 23 **Illegal Grant Terminations**

24 277. ~~271.~~ Plaintiffs and Class members have long relied on NEH grants to
 25 fund meritorious projects in the humanities. The termination of nearly all previously awarded
 26 grants has caused and continues to cause Plaintiffs and class members serious harm.

1 a. **Plaintiff Robert Hirst's Grant Termination and Resulting Harm**

2 278. ~~272.~~ Plaintiff Robert Hirst is the curator of the Mark Twain Papers and
 3 general editor of the Mark Twain Project at the Bancroft Library at the University of
 4 California, Berkeley. He has served in this role since 1980.

5 279. ~~273.~~ The Mark Twain Papers contain the voluminous private papers of
 6 Samuel Langhorne Clemens, known to all Americans by his pen name, “Mark Twain.” He has
 7 long been considered one of the most important writers of the 19th Century. His papers were
 8 bequeathed to the University of California in 1962; hundreds of original documents have
 9 since been added to that core collection. The collection makes it possible to read, in a single
 10 location, virtually every surviving document in Mark Twain’s hand.

11 280. ~~274.~~ The Mark Twain Project, a major editorial and publishing program
 12 of the Bancroft Library, is housed within the Mark Twain Papers archive. The aim of this
 13 Project is to create, maintain, correct, and update a permanent, globally accessible resource
 14 for the life and writings of Mark Twain. The Project hosts over 200 in-person and online visits
 15 to the Papers each year. In addition, the editors routinely go out to speak about the collection
 16 and the edition to students and to a variety of other interested groups. In order to maintain this
 17 collection and conduct ongoing research, the Mark Twain Papers and Project employ five
 18 full-time editors.

19 281. ~~275.~~ Since 2001, the Mark Twain Project has focused much of its effort
 20 on the Mark Twain Project Online (the “Online Project”), which is intended to make available
 21 all of the Project’s edited texts. Its original online website platform has become obsolete and
 22 work is underway to migrate the website and database to a modern, technologically
 23 supportable platform.

24 282. ~~276.~~ In his recently published biography of Mark Twain, writer Ron
 25 Chernow—a Pulitzer Prize-winning biographer—wrote: “Perhaps no other American author
 26 can boast such a richly documented record. . . . With its learned editions and digitized
 27 website, the Mark Twain Papers ranks as one of the foremost scholarly achievements of our
 28 era.”

1 283. ~~277.~~ NEH has awarded more than \$11,000,000 to support the editorial
 2 work of the Mark Twain Project, without interruption, since 1967, and has also made a
 3 generous challenge grant for the renovation of the Online Project.

4 284. ~~278.~~ On the occasion of the NEH's 50th birthday in 2015, the agency
 5 honored the Mark Twain Papers and Project as one among fifty nationwide across five
 6 decades that ““have shaped what we think and what we know about ourselves and our culture’
 7 since 1965.”¹⁰¹

8 Application (RQ-300297) for Grant Funding

9 285. ~~279.~~ On November 29, 2023, the Mark Twain Project, through the
 10 Regents of the University of California, submitted to the NEH an Application for Federal
 11 Domestic Assistance—application RQ-300297, titled “Mark Twain Project.” Dr. Hirst’s
 12 Grant Application sought to draw the Mark Twain Project nearer to its goal of making all of
 13 Twain’s works available to the public for free through the Online Project.

14 286. ~~280.~~ The Grant Application proposed a cumulative budget of \$900,000,
 15 including \$450,000 in NEH funds. This budget would fund roughly half the salaries for three
 16 editors and a digital publications manager for three years. The other half of the staff salaries
 17 would need to be paid by private funds raised by Dr. Hirst.

18 Award of Grant (RQ-300297) Funding

19 287. ~~281.~~ On August 28, 2024, UC Berkeley received a letter from the chair
 20 of the NEH, approving the Mark Twain Project’s application RQ-300297 to receive an offer
 21 for funding (“Offer Letter”).

22 288. ~~282.~~ The Offer Letter provided UC Berkeley up to \$450,000 in federal
 23 matching funds if Dr. Hirst raised an equal amount of eligible non-federal, third-party gifts,
 24 and certified their availability, and if NEH had available to it sufficient funds allocated for
 25 matching purposes. The Offer Letter provided: “If you wish to accept this offer of support,
 26 your response to the above condition(s) and the Gift Certification Form must be submitted via

27 ¹⁰¹ Sharon Goetz, *Mark Twain Papers and Project Honored by NEH*, UC Berkeley Library
 28 UPDATE (Oct. 9, 2015), <https://update.lib.berkeley.edu/2015/10/09/mark-twain-papers-and-project-honored-by-neh/>.

1 eGMS Reach, NEH's online electronic grant management system no later than June 30,
 2 2027."

3 289. 283. On October 31, 2024, the university's Sponsored Projects Office
 4 ("SPO") accepted the NEH offer and sent in the required certification, signed by Dr. Hirst.

5 Termination of Grant (RQ-300297) Funding

6 290. 284. On April 2, 2025, UC Berkeley received an email from the address
 7 "Grant_Notifications@nehemail.onmicrosoft.com," purporting to be from Michael
 8 McDonald, Acting Chairman for the National Endowment for the Humanities (the
 9 "Termination Email"). This is not an e-mail domain that NEH has ever used to communicate
 10 with Dr. Hirst or the university regarding the Mark Twain Project.

11 291. 285. Attached to the Termination Email was a letter from Michael
 12 McDonald, Acting Chairman for the National Endowment for the Humanities, cancelling the
 13 Mark Twain Project's grant, Award No. RQ-300297-25, in its entirety effective April 1, 2025
 14 (the "Termination Letter").

15 292. 286. The Termination Letter reads in relevant part:

16 Your grant no longer effectuates the agency's needs and priorities
 17 and conditions of the Grant Agreement and is subject to termination
 18 due to several reasonable causes, as outlined in 2CFR200.340. NEH
 19 has reasonable cause to terminate your grant in light of the fact that
 20 the NEH is repurposing its funding allocations in a new direction in
 21 furtherance of the President's agenda. The President's February 19,
 22 2024 executive order mandates that the NEH eliminate all non-
 23 statutorily required activities and functions. *See Commencing the*
Reduction of the Federal Bureaucracy, E.O. 14217 (Feb. 19, 2025).
 24 Your grant's immediate termination is necessary to safeguard the
 25 interests of the federal government, including its fiscal priorities. The
 26 termination of your grant represents an urgent priority for the
 27 administration, and due to exceptional circumstances, adherence to
 28 the traditional notification process is not possible. Therefore, the
 NEH hereby terminates your grant in its entirety effective April 1,
 2025.

29 293. 287. Dr. Hirst then searched for the Mark Twain Project's grant on
 30 eGMS Reach, NEH's online electronic grant management system. He could find no record of
 31 the grant or his many communications about it on eGMS Reach: It had apparently been
 32

1 deleted entirely from the system. Agency erasure of grant records was unprecedented in Dr.
 2 Hirst's multi-decade relationship with NEH.

3 294. ~~288.~~ Dr. Hirst spoke with his longtime NEH program officer, Jason
 4 Boffetti, who told him that DOGE had required NEH to lay off most of its staff if the agency
 5 wanted to continue to operate.

6 Harm Suffered from Termination of Grant (RQ-300297)

7 295. ~~289.~~ Dr. Hirst, the Mark Twain Papers and Project, and project staff,
 8 have suffered immediate harm as a result of the cancellation of their NEH grant, which will
 9 continue into the future.

10 296. ~~290.~~ In lieu of conducting his editorial work, Dr. Hirst will have to
 11 refocus his time on fundraising to replace the cancelled grant funding (\$450,000).

12 297. ~~291.~~ The financial uncertainty created by this grant cancellation
 13 significantly threatens his ability to retain the highly trained and experienced staff working on
 14 the Mark Twain Project. These individuals are among the world's experts on Mark Twain,
 15 and their knowledge of the collection is irreplaceable.

16 298. ~~292.~~ The cancellation threatens the migration of the collection to new
 17 platforms as the existing ones have become obsolete. Because the online platform allows
 18 scholars and students from all over the world to access these original documents, any
 19 interruption or delay in this work is very harmful to the Project and to the many who regularly
 20 access or will want to access these materials in the future.

21 299. ~~293.~~ In addition, Dr. Hirst and his staff will have less ability to go out
 22 to schools and universities to share the incomparable work of Mark Twain.

23 300. ~~294.~~ The termination of Plaintiff Hirst's grant is especially ironic given
 24 then NEH continues to promote the collection of Mark Twain's papers as a significant
 25 achievement on its website's homepage.¹⁰² Moreover, Mark Twain is included in the list of
 26 individuals in Executive Order 13987, "Building the National Garden of American Heroes,"

27
 28 ¹⁰² Nat'l Endowment for the Humanities, NEH Funding by the Numbers (description of data on
 homepage), <https://www.neh.gov/> (last visited May 27, 2025).

1 which seeks to create a statue garden of such heroes, and which NEH now says it will provide
 2 grant funding to support.¹⁰³

3 **b. Plaintiff Christine Philliou's Grant Termination and Resulting**
 4 **Harm**

5 301. ~~295.~~ Dr. Christine Philliou is a Professor of History at the University of
 6 California, Berkeley. Previously, she was a professor at Columbia University and Yale
 7 University.

8 302. ~~296.~~ She is the author of two books: *Turkey: A Past Against History*
 9 (University of California Press, 2021), and *Biography of an Empire: Governing Ottomans in*
 10 *an Age of Revolution* (University of California Press, 2010), as well as dozens of articles and
 11 book chapters. Her work has received numerous recognitions, including a Fulbright-Hays
 12 Research Fellowship, a Brookings Institution Research Award, and the Lenfest Distinguished
 13 Faculty Award, and has led to offers of fellowships from Stanford University and the
 14 American Council of Learned Societies.

15 303. ~~297.~~ In addition to her research and teaching, Dr. Philliou founded the
 16 Program in Modern Greek and Hellenic Studies at the Institute for European Studies; the
 17 Turkish Ottoman and Post-Ottoman Studies Initiative at the Center for Middle Eastern
 18 Studies; and the Istan-Polis collaborative research project. All are designed to broaden and
 19 deepen appreciation for the history of Turkey, Greece, and the Ottoman Empire.

20 Application for Grant Funding (RZ-292650-23)

21 304. ~~298.~~ On November 29, 2022, through the Regents of the University of
 22 California, Dr. Philliou submitted to the NEH an Application for Federal Domestic Assistance
 23 titled “Visualizing Local Christian Communities in Muslim Cosmopolitan Istanbul in the 19th
 24 and 20th Centuries.”

25
 26 ¹⁰³ Nat'l Endowment for the Humanities, *National Garden of American Heroes: Statues*,
 27 <https://www.neh.gov/program/national-garden-american-heroes-statues> (last visited May 27,
 28 2025); Exec. Order No. 13978, *Building the National Garden of American Heroes*, 86 Fed. Reg. 6809 (Jan. 22, 2021), <https://www.federalregister.gov/documents/2021/01/22/2021-01643/building-the-national-garden-of-american-heroes>.

1 305. ~~299.~~ The purpose of the grant was to help fund the Istan-Polis Project,
 2 an effort to reconstruct and analyze the history of Istanbul’s Orthodox Christian communities
 3 in the final Ottoman century. The grant would also fund development of a public-facing
 4 website to display the results of data projects and to feed further research and collaboration.
 5 The focus on the experience of Istanbul’s Christian minority in the final stage of the Ottoman
 6 Empire was intended to provide new tools for scholars seeking to clarify how the tensions
 7 between cosmopolitanism and nationalism were historically manifested in cities globally.
 8 Such work has obvious relevance to pressing questions of nationalism versus broader
 9 inclusion of minority groups today.

10 Award of Grant Funding (RZ-292650-23)

11 306. ~~300.~~ On September 22, 2023, the University of California, Berkeley
 12 and Dr. Philliou received a letter from Shelly Lowe, the chair of the NEH, approving Project
 13 Application RZ-292650-23 for funding (the “Offer Letter”) for an award of \$246,347.00 over
 14 three years.

15 307. ~~301.~~ In response to the award of the grant, Dr. Philliou’s team planned
 16 for and then began executing the steps laid out in the grant application. This included team
 17 members’ travel to Berkeley for a winter meeting in January 2024, to Europe in June 2024 for
 18 a related seminar, and to Istanbul in June-July 2024 for an *in situ* seminar. The team hired and
 19 contracted with project managers to coordinate transcription and other work on the census
 20 register project, and spent funds on the project’s website infrastructure. This included
 21 contracting with independent contractors, purchasing airline tickets, reimbursing expenses for
 22 international and domestic travel, hiring student workers, and paying vendors for lodging and
 23 catering.

24 308. ~~302.~~ Overall, in Year 1 the team focused on the Old City of Istanbul.
 25 The resulting website has become a treasure to people with Greek heritage and other heritages
 26 tracing their lineage to Istanbul around the world, and received special recognition from the
 27 Archbishop of North and South America, Elpidophoros. The team’s Year 1 *in situ* seminar
 28

1 was also life-changing for the undergraduate and graduate students who accompanied the
 2 research team.

3 309. 303. Years 2 and 3 of the grant were to focus on the Frankish Quarter
 4 and other neighborhoods up and down the Bosphorus. They would have produced similarly
 5 dramatic, perspective-changing results.

6 Termination of Grant Funding (RZ-292650-23)

7 310. 304. On April 2, 2025, UC Berkeley received an email from the address
 8 “Grant_Notifications@nehemail.onmicrosoft.com,” sent on behalf of Michael McDonald,
 9 Acting Chairman for the NEH (the “Termination Email”). Attached to the Termination Email
 10 was a letter cancelling grant RZ-292650-23, effective the prior day, April 1.

11 311. 305. The Termination Letter states that the grant “no longer effectuates
 12 the agency’s needs and priorities . . . in light of the fact that the NEH is repurposing its
 13 funding allocations in a new direction in furtherance of the President’s agenda. The
 14 President’s February 19, 2025 executive order mandates that the NEH eliminate all non-
 15 statutorily required activities and functions. See Commencing the Reduction of the Federal
 16 Bureaucracy, E.O. 14217 (Feb. 19, 2025).” It further stated that “adherence to the traditional
 17 notification process is not possible” because of “exceptional circumstances.”

18 Harm Suffered from Termination of Grant Funding

19 312. 306. The Istan-Polis Project, its staff, and Dr. Philiou have suffered
 20 direct and immediate harm as a result of the cancellation of the grant. Work on the website
 21 has been disrupted. A seminar in Istanbul for this summer very likely will not proceed. Staff
 22 who were depending on funds provided by the grant may be without a livelihood. Researchers
 23 may not even be paid for work they have already performed. In addition, the team incurred
 24 \$46,750 in project expenses that remain unreimbursed. Further, the end of the grant will likely
 25 mean an end to the project as a whole and the closing of a remarkable window on history that
 26 had just opened.

27

28

1 C. National Science Foundation

2 313. 307. The National Science Foundation (“NSF”) is an independent
 3 federal agency intended to promote the progress of science in the United States.

4 **2. 1. Congress Established the National Science Foundation to Promote**
 5 **Scientific Research on a Broad Scale to Advance the United States’**
 6 **National Interests**

7 314. 308. NSF was created after World War II when it became clear that
 8 federally funded scientific research was key to the nation’s national security interests.
 9 Describing it as an Act “[t]o promote the progress of science; to advance the national health,
 10 prosperity, and welfare; to secure the national defense; and for other purposes,” Congress
 11 established NSF in 1950 through the enactment of the National Science Foundation Act of
 12 1950 (the “Act”). Public Law 81-507 (codified at 42 U.S.C. § 1861 et seq.).

13 315. 309. The NSF’s core function is making grants to fund innovative
 14 scientific research. The NSF awards grants through an apolitical merit review process, under
 15 which panels of disinterested scientific experts vet grant applications and make award
 16 decisions. The NSF’s merit review process is often referred to as the “gold standard” of
 17 scientific review, and NSF-funded research has contributed to some of the most important
 18 scientific advances of the past 70 years.

19 316. 310. The Act arose out of the growing awareness during World War II
 20 that science was crucial to the United States’ national interest and security, as science was key
 21 to the Allied successes in the war. Indeed, during World War II, federal government support
 22 of scientific research accelerated dramatically, and a growing consensus emerged in favor of
 23 continuing government support of basic scientific research after the end of the war.

24 317. 311. The NSF’s statutorily defined mission “is to provide Federal
 25 support for basic scientific and engineering research, and to be a primary contributor to
 26 mathematics, science, and engineering education at academic institutions in the United
 27 States.” 42 U.S.C. § 1862k(a)(6)(A).

28 318. 312. The Act establishes a series of core “functions” for the NSF. Chief
 among them, the Act authorizes and directs the NSF to “initiate and support basic scientific

1 research in the mathematical, physical, medical, biological, engineering, and other sciences,”
 2 as well as “specific scientific research activities in connection with matters relating to the
 3 national defense.”

4 [319.](#) [313.](#) The Act also directs the NSF to provide “grants, loans, and other
 5 forms of assistance” to support scientific research” and award “scholarships and graduate
 6 fellowships in the mathematical, physical, medical, biological, engineering, and other
 7 sciences.”

8 [320.](#) [314.](#) The Act has been amended at various times since 1950. Since at
 9 least 1980, Congress has recognized that for the United States to maintain its competitive
 10 edge, it would need to encourage and prepare people from groups traditionally
 11 underrepresented in STEM to acquire skills and pursue careers in science and engineering
 12 fields. Congress consequently declared that “the highest quality science over the long-term
 13 requires substantial support, from currently available research and education funds, for
 14 increased participation in science and technology by women and minorities.” Pub. L. 96-516,
 15 § 32. Congress later *expanded* this declaration to include increasing participation for people
 16 with disabilities. 42 U.S.C. § 1885(b). The importance of STEM to the interests of the United
 17 States prompted Congress, in 1980, to prescribe a national policy to promote “full use of the
 18 human resources of the Nation” in STEM fields:

19 The Congress declares it is the policy of the United States to
 20 encourage men and women, equally, of all ethnic, racial, and
 21 economic backgrounds to acquire skills in science and mathematics,
 22 to have equal opportunity in education, training, and employment in
 23 scientific and technical fields, and thereby to promote scientific
 literacy and the full use of the human resources of the Nation in
 science and technology.

24 Pub. L. 96-516 § 32. In other words, Congress has consistently acted to consciously *expand*
 25 STEM access rather than to narrow it, by affirmative outreach to groups not traditionally invited
 26 or encouraged to contribute to STEM initiatives.

27 [321.](#) [315.](#) One such act was the National Science Foundation Authorization
 28 Act of 1998 (the “1998 Amendment”). The 1998 Amendment to the Act reaffirmed the NSF’s

1 statutory commitment to making the United States a leader in STEM fields, and it set as long-
 2 term goals for the NSF to provide leadership to:

- 3 a. enable the United States to maintain a position of world leadership
 4 in all aspects of science, mathematics, engineering, and technology;
- 5 b. promote the discovery, integration, dissemination, and application
 6 of new knowledge in service to society; and
- 7 c. achieve excellence in United States science, mathematics,
 8 engineering, and technology education at all levels. 42 U.S.C. § 1862k(a)(6)(B).

9 [322.](#) [316.](#) Pursuant to these congressional directives, much of the NSF-
 10 funded research at universities has, for decades, supported the participation in STEM fields by
 11 women, minorities, and people with disabilities.

12 [323.](#) [317.](#) Notably, the 1998 Amendment sets forth several “core strategies”
 13 for achieving the above goals, which include a focus on ensuring diversity in entrants to
 14 STEM fields: “Develop intellectual capital, both people and ideas, with particular emphasis
 15 on groups and regions that traditionally have not participated fully in science, mathematics,
 16 and engineering.” 42 U.S.C. § 1862k(b)(1).

17 [324.](#) [318.](#) The Act was again amended in 2007 as part of the “America
 18 COMPETES Act,” which sought to bolster the competitiveness of the United States in
 19 scientific research and innovation. It instructed the NSF to “give priority” in granting awards
 20 to research activities “that can be expected to make contributions in physical or natural
 21 science, technology, engineering, social sciences, or mathematics, or that enhance
 22 competitiveness, innovation, or safety and security in the United States.” 42 U.S.C. § 1862o-
 23 5(b).

24 [325.](#) [319.](#) The NSF seeks to fulfill its mission chiefly by issuing competitive,
 25 limited-term grants in response to specific proposals from researchers and research
 26 organizations. The NSF receives over 50,000 such proposals each year, and funds about
 27 10,000 of them.

1 326. ~~320.~~ The NSF employs a merit review process in which reviews of
 2 grant applications are carried out by panels of independent scientists, engineers, and educators
 3 who are experts in the relevant scientific field, and they are vetted to avoid conflicts of
 4 interest. Reviewers judge grant applications for both “intellectual merit” and “broader societal
 5 impact.”

6 327. ~~321.~~ NSF grants are highly competitive and prestigious, and its pre-
 7 January 20, 2025 merit review process is often credited for the profound success of the NSF
 8 throughout its history. Indeed, it is no exaggeration to say that the world as we know it today
 9 would not exist without the NSF. NSF grants have contributed to an extraordinary number of
 10 scientific and technological innovations and achievements over the past 75 years, including:

- 11 a. The Internet
- 12 b. Semiconductors (i.e., computer chips)
- 13 c. Supercomputers
- 14 d. Artificial intelligence
- 15 e. 3-D printing
- 16 f. American Sign Language
- 17 g. Captcha
- 18 h. Deep ocean exploration and drilling
- 19 i. Detecting gravitational waves
- 20 j. DNA amplification (central to biotech)
- 21 k. Doppler radar
- 22 l. Duolingo
- 23 m. Fusion energy
- 24 n. Geographic Information Systems (GIS)
- 25 o. Kidney matching
- 26 p. LASIK eye surgery
- 27 q. MRI
- 28 r. Seeing black holes

29 328. ~~322.~~ To date, at least 268 Nobel laureates have been supported by NSF
 30 grants. In 2024 alone, NSF grant recipients received Nobel prizes in physiology or medicine,
 31 physics, chemistry, and economics.

32 329. ~~323.~~ The NSF has also funded numerous national observatories, has
 33 had responsibility for U.S. research operations in the Antarctic, and has been heavily involved
 34 in United States deep sea exploration. The NSF also managed laboratories from the Defense

1 Department's Advanced Research Projects Agency (DARPA), which lead to the creation of
 2 the Internet.

3 330. ~~324.~~ The enormous impact of the NSF grant-making process is
 4 summarized neatly in this statement from Forbes: "For 75 years, the National Science
 5 Foundation has been the quiet backbone of American scientific progress. It funds a substantial
 6 share of all federally supported basic research outside the biomedical sphere, supporting
 7 discoveries in climate science, artificial intelligence, cybersecurity and quantum materials
 8 among many, many others. Its grants train graduate students, launch early-career faculty and
 9 sustain the open, reproducible research that fuels U.S. competitiveness."¹⁰⁴

10 **3. In Response to Trump Administration Directives, NSF Improperly**
 11 **Changed Priorities and Canceled Existing Grants**

12 331. ~~325.~~ The foregoing paragraphs describe the NSF as it existed and
 13 functioned through the decades, from its original founding until January 20, 2025.

14 332. ~~326.~~ The NSF is now facing an existential threat: the Trump
 15 Administration has negated the NSF's core grant-making function by unilaterally, arbitrarily
 16 and illegally terminating billions of dollars in lawfully awarded scientific grants that the
 17 Administration views (often mistakenly) as having some connection to diversity, equity and
 18 inclusion (most broadly defined), as well as other subjects the Trump Administration dislikes,
 19 such as climate change, vaccines, HIV/AIDS, and COVID-19.

20 333. ~~327.~~ At Defendants Trump and DOGE's direction, NSF has taken aim
 21 at the pillars sustaining the United States' STEM preeminence. These actions violate the law
 22 and jeopardize America's longstanding global leadership in STEM. NSF has announced that it
 23 will no longer abide by Congress's longstanding mandates.

24 334. ~~328.~~ Since the Trump Administration took office in January 2025, the
 25 NSF has terminated more than a billion dollars in scientific grants that had previously been
 26 approved and awarded through the merit review process and which the NSF was legally

27 ¹⁰⁴ John Drake, *The NSF Is Being Dismantled — With Broad Implications For The American*
 28 *Economy*, Forbes (May 9, 2025), <https://www.forbes.com/sites/johndrake/2025/05/09/the-national-science-foundation-is-being-dismantled-what-the-economy-needs-is-more-investment>.

1 obligated to provide. The pace of the terminations has escalated rapidly since mid-April, as
 2 the Trump Administration has taken a wrecking ball to the NSF. During that brief time period,
 3 more than 1,400 grants have been terminated. NSF terminated over 430 grants *in one week*.¹⁰⁵
 4 The grant terminations were generally not preceded by warnings, and thus came as a complete
 5 shock to the researchers whose livelihoods and life's work depended on them.

6 335. 329. The grant terminations have typically been conveyed in short,
 7 standardized missives containing boilerplate statements. For example, Plaintiff Jedda
 8 Foreman and other UC researchers all received the following termination letter:

9 The U.S. National Science Foundation (NSF) has undertaken a
 10 review of its award portfolio. Each award was carefully and
 11 individually reviewed, and the agency has determined that
 12 termination of certain awards is necessary because they are not in
 13 alignment with current NSF priorities. Effective immediately, the
 14 following are terminated: [list of NSF Award IDs]. NSF is issuing
 15 this termination to protect the interests of the government pursuant
 16 to NSF Grant General Conditions (GC-1) term and condition
 17 entitled 'Termination and Enforcement,' on the basis that they no
 18 longer effectuate the program goals or agency priorities. This is the
 19 final agency decision and not subject to appeal.

20 336. 330. In an apparent attempt to justify its new war on science, the NSF
 21 published a "Statement of NSF Priorities" on April 18, 2025, explaining that NSF's activities
 22 "must aim to create opportunities for all Americans everywhere" and "[r]esearch projects with
 23 more narrow impact limited to subgroups of people based on protected class or characteristics
 24 do not effectuate NSF priorities."¹⁰⁶ Pursuant to this Directive, NSF began issuing termination
 25 notices *en masse* to research projects, including many grants to UC researchers, designed to
 26 implement Congress's express goals of increasing STEM participation, studying
 27 misinformation, and addressing environmental justice.

28 ¹⁰⁵ Erin Socha, *New Database Tracks Canceled N.S.F. Research Grants*, U. Daily Kansan (April
 29 25, 2025), https://www.kansan.com/news/new-database-tracks-canceled-n-s-f-research-grants/article_0a3d2a6c-97e5-43c3-96c0-db02dc609210.html.

29 ¹⁰⁶ U.S. Nat'l Sci. Found., *Statement on NSF Priorities* (April 18, 2025),
<https://www.nsf.gov/updates-on-priorities#statement-of-nsf-priorities-09d>.

1 337. ~~331.~~ NSF also issued an accompanying set of FAQ's, which indicated
 2 that awards not aligned with NSF priorities include, but are "not limited to those on diversity,
 3 equity, and inclusion (DEI) and misinformation/disinformation."

4 338. ~~332.~~ The grant cancellations are one prong in what can only be
 5 described as an effort to radically shrink and marginalize the NSF. In mid-April it was
 6 announced that the NSF was freezing any new grants, and in early May, the NSF announced
 7 that its 37 research divisions were being abolished. Then, on April 24, 2025, the Director of
 8 NSF, Sethuraman Panchanathan, resigned 16 months early. Massive layoffs are now
 9 anticipated. Meanwhile, President Trump proposed cutting the NSF's budget for the 2026
 10 fiscal year by 55%. As recently stated in *Forbes*, "This is not reform. It is a dismantling."¹⁰⁷

11 339. ~~333.~~ It appears that DOGE is behind the unlawful grant terminations at
 12 NSF. *See, e.g.*, Katrina Miller & Carl Zimmer, *National Science Foundation Terminates*
 13 *Hundreds of Active Research Awards*, New York Times (April 22, 2025) ("Last Wednesday,
 14 the magazine Science reported that all new research grants by the agency had been frozen, as
 15 ordered by the Department of Government Efficiency, or DOGE."); Dan Garisto, *Trump*
 16 *Team Freezes New NSF Awards – And Could Soon Axe Hundreds of Grants*, Nature (Apr. 17,
 17 2025) ("All new research grants have been frozen at the US National Science Foundation
 18 (NSF) — an action apparently ordered by the Department of Government Efficiency (DOGE)
 19 . . . DOGE is also reviewing a list of active research grants, assessed in February by the NSF,
 20 for terms associated with diversity, equity and inclusion (DEI). It is considering terminating
 21 more than 200 of them, NSF staff members have told Nature.").

22 340. ~~334.~~ Indeed, on May 13, 2025, Alondra Nelson, the Harold F. Linder
 23 Professor at Princeton University's Institute for Advanced Study, resigned her prestigious
 24 position on the National Science Foundation's board of directors. Explaining her decision to
 25 Time Magazine, she said: "Last week, as the Board held its 494th meeting, I listened to NSF
 26 staff say that DOGE had by fiat the authority to give thumbs up or down to grant applications

27 ¹⁰⁷ John Drake, *The NSF Is Being Dismantled — With Broad Implications For The American*
 28 *Economy*, Forbes (May 9, 2025), <https://www.forbes.com/sites/johndrake/2025/05/09/the-national-science-foundation-is-being-dismantled-what-the-economy-needs-is-more-investment>.

1 which had been systematically vetted by layers of subject matter experts. Our closed-to-the-
 2 public deliberations were observed by Zachary Terrell from the DOGE team. Through his
 3 Zoom screen, Terrell showed more interest in his water bottle and his cuticles than in the
 4 discussion.”¹⁰⁸

5 341. 335. These grant terminations are a disaster for the future of science in
 6 the United States. The gravity of the situation and illegality of the grant terminations were
 7 summarized in a letter from the House of Representatives’ Committee on Science, Space, and
 8 Technology sent to the acting director of the NSF, Brian Stone, on May 8, 2025. The letter
 9 characterizes the Trump Administration’s actions against the NSF as “chaos and destruction,”
 10 and states that “[DOGE’s] accusation that these terminated awards lack merit is a lie, as most,
 11 if not all these awards, carry a statement from the agency declaring that the award “reflects
 12 NSF’s statutory mission and has been deemed worthy of support through evaluation using the
 13 Foundation’s intellectual merit and broader impacts review criteria.”¹⁰⁹

14 342. 336. The House Committee Letter goes on to state: “The cancelation of
 15 these awards suggests instead that NSF is willing to apply political censorship of awards
 16 under direction from President Trump and the DOGE teenagers, which is a clear violation of
 17 the statutory mission of the agency.” *Id.* It then provides a few examples of recently
 18 terminated grants to illustrate the folly, harmfulness, and in some instances absurdity of the
 19 Trump Administration’s grant cancellations. The list of cancelled grants includes those for:

20 a. A rural after-school program that gives middle school students an
 21 opportunity to use mathematics and design thinking to address agricultural issues, such as
 22 designing water catchment systems for drought conditions.¹¹⁰

23
 24 ¹⁰⁸ Alonda Nelson, *Why I’m Resigning From Positions at the National Science Foundation and*
 25 *Library of Congress*, Time Magazine, May 13, 2025; <https://time.com/7285045/resigning-national-science-foundation-library-congress/>.

26 ¹⁰⁹ Letter from House of Representatives’ Committee on Science, Space and Technology to Brian
 27 Stone (May 8, 2025), <https://democrats-science.house.gov/imo/media/doc/2025-05-08%20Letter%20to%20Acting%20Director%20Stone.pdf>.

28 ¹¹⁰ Nat’l Sci. Found., *Award Abstract #2215382 – Engaging Rural, Latinx Youth in an After School Program That Integrates Design Thinking, Making and Math*, https://www.nsf.gov/awardsearch/showAward?AWD_ID=2215382, (last visited May 27, 2025).

b. Research on developing a tool that uses machine learning to detect deepfakes, which are used for all manner of disinformation, be it political content planted by foreign adversaries or the creation of child sexual abuse material.¹¹¹

c. A grant to study improved mental health interventions for engineering students, who – across demographics – are statistically less likely than students in other disciplines to seek mental health treatment. This research was aimed at improving outcomes for engineering students in mental health distress and with mental health disabilities.¹¹²

d. An industry-focused workforce development program that trains the next generation of quantum technicians, including through accessible experiential learning and certification opportunities for entry-level professionals.¹¹³

e. A National Research Traineeship award, supporting 25 graduate students, to develop new interdisciplinary studies applying AI to better understand “legal system processes, impacts, and institutions” as well as to develop “tools and methods for leveraging newly available data from the criminal legal system, and ethical and social implications of big data and AI in the context of criminal justice.”¹¹⁴

343. 337. The House Committee Letter condemns these grant terminations as “an abdication of NSF’s mission and a betrayal of the scientific community, including the thousands of graduate students and early career researchers whose careers will be derailed. It also states that the terminations are of questionable legality. The grant terminations are in direct defiance of a court-ordered preliminary injunction enjoining NSF from impeding the disbursement of appropriated federal funds under awarded grants or other executed financial

¹¹¹ Andrea E Hickerson,, Award Abstract #2310131 – Collaborative Research: SaTC: TTP: Small: DeFake: Deploying a Tool for Robust Deepfake Detection, Nat'l Sci. Found., https://www.nsf.gov/awardsearch/showAward?AWD_ID=2310131 (last visited May 27, 2025).

¹¹² Nat'l Sci. Found., Award Abstract # 2225567 – Research: Identifying intervention targets to increase mental health help seeking in undergraduate engineers, https://www.nsf.gov/awardsearch/showAward?AWD_ID=2225567 (last visited May 27, 2025).

¹¹³ Nat'l Sci. Found., Award Abstract # 2243822 - NRT-HDR: Computational Research for Equity in the Legal System" (CRELS), <https://www.nsf.gov/awardsearch/showAward?AWD-ID=2243822> (last visited May 29, 2025).

114 *Id.*

1 obligations directed or implied by Executive Order 14151... or any other materially similar
 2 policy.”¹¹⁵

3 **4. 3.- NSF Plaintiff and Other Grant Recipients Are Harmed by NSF's**
 4 **Illegal Grant Terminations**

5 344. ~~338.~~ Plaintiff Foreman and Class members have long relied on NSF
 6 grants to fund meritorious projects aimed at advancing scientific knowledge. The termination
 7 of previously approved grants has caused and continues to cause Plaintiff and Class members
 8 serious harm.

9 a. **Plaintiff Jedda Foreman's Grant Terminations and Resulting**
 10 **Harm**

11 345. ~~339.~~ Jedda Foreman is the Director, Center for Environmental
 12 Learning, at the Lawrence Hall of Science at the University of California, Berkeley.

13 First Application for Grant Funding (2314075):

14 346. ~~340.~~ On January 11, 2023, with her collaborators at the Lawrence Hall
 15 of Science, Foreman submitted (through the Regents of the University of California) a grant
 16 proposal to NSF's National Science Foundation Program NSF 22-626, Advancing Informal
 17 STEM Learning (AISL). The AISL program invests in research and practice on how people
 18 learn STEM outside of formal education. It seeks proposals that further the well-being of
 19 individuals and communities who have historically been and continue to be excluded, under-
 20 served, or underrepresented.

21 347. ~~341.~~ Foreman's proposal, titled “Understanding the Impact of Outdoor
 22 Science and Environmental Learning Experiences Through Community-Driven Outcomes,”
 23 was for a four-year Integrating Research and Practice project that would produce a set of
 24 science and environmental literacy measures for underrepresented communities.

25 First Award of Grant Funding (2314075)

26
 27 ¹¹⁵ *New York v. Trump*, No. 25-cv-39-JJM-PAS, (D.R.I. Jan. 31, 2025),
 28 <https://ag.ny.gov/sites/default/files/court-filings/state-of-new-york-et-al-v-trump-tro-2025.pdf>
 (last visited May 27, 2025).

1 348. 342. On August 22, 2023, the NSF accepted Foreman’s proposal and
 2 awarded her a grant (Award Number 2314075). The Award Notice stated that the NSF was
 3 obligated in the amount of \$1,583,195, and that the total intended award was \$2,149,437. The
 4 Award Notice provided: “Contingent on the availability of funds and scientific progress of the
 5 project, NSF expects to continue support at approximately the following level: Fiscal Year:
 6 2026, Increment Amount: \$566,242.” The Award Notice was made as per the provisions of
 7 NSF Solicitation: “NSF 22-626 Advancing Informal STEM Learning,” and provided that the
 8 period of performance was from January 1, 2024 through December 31, 2027.

9 349. 343. The award covered salaries and wages for three senior personnel:
 10 principal investigator Melissa Collins, Ph.D., co-principal investigator Valeria Romero, M.A.,
 11 and Foreman. The award also covered salaries and wages for several other professional
 12 researchers and project coordinators at the Lawrence Hall of Science, UC Berkeley’s public
 13 science center. The award further provided for support from an undergraduate research
 14 assistant.

15 Second Application for Grant Funding (2315277)

16 350. 344. On January 17, 2023, together with her collaborators at the
 17 Lawrence Hall of Science, Foreman submitted (through the Regents of the University of
 18 California) a proposal to the National Science Foundation Program NSF 22-634, Racial
 19 Equity in STEM Education (RESTEM), which aims to support groundbreaking projects that
 20 contribute to advancing racial equity in STEM education and workforce development.

21 351. 345. Foreman’s proposal, titled “Working Toward Racial Equity:
 22 Building Capacity to Institutionalize Equity in Outdoor and Environmental Science
 23 Education,” was designed to support a team of leaders from five organizations to facilitate and
 24 guide organization-wide discussions related to racial equity. The project was to develop a
 25 Tool Kit with three components—(1) a Facilitator’s Reflection Guide, (2) a Foundations of
 26 Racial Equity Guide, and (3) Organization Systems Change Tools—that would produce a
 27 replicable model for broadening participation.

28 Second Award of Grant Funding (2315277)

1 352. 346. On September 13, 2023, the NSF accepted Foreman's proposal
 2 and awarded her a grant (Award Number 2315277). The Award Notice stated that the NSF
 3 was obligated in the amount of \$1,701,416, and that the total intended award was \$4,723,028.
 4 The Award Notice provided: "Contingent on the availability of funds and scientific progress
 5 of the project, NSF expects to continue support at approximately the following level: Fiscal
 6 Year: 2025, Increment Amount: \$947,005, Fiscal Year: 2026, Increment Amount: \$1,133,391,
 7 Fiscal Year: 2027, Increment Amount: \$941,216." The award was made as per the provisions
 8 of NSF Solicitation: NSF 22-634 Racial Equity in STEM Education and provided that the
 9 period of performance was from January 1, 2024 through December 31, 2028.

10 Third Application for Grant Funding (2241805)

11 353. 347. On August 12, 2022, Foreman and her collaborators submitted a
 12 proposal (through the Regents of the University of California) to the National Science
 13 Foundation Program NSF 22-585, Innovative Technology Experiences for Students and
 14 Teachers (ITEST). This applied research and development program aims to advance the
 15 equitable integration of technology in the learning and teaching of science, technology,
 16 engineering, or mathematics from pre-kindergarten through high school.

17 354. 348. Foreman's proposal, titled "Supporting Rightful Presence in
 18 Museum Spaces: Youth as Participatory Designers of Indigenous Mixed Reality Science
 19 Exhibits," aimed to address the ongoing marginalization of Indigenous communities in
 20 informal science learning spaces by developing and studying a model that strengthens
 21 Indigenous youths' disposition towards, and capacity for STEM pathways.

22 355. 349. The project built on a partnership between the Lawrence Hall of
 23 Science and mak-'amham, an Indigenous Ohlone cultural organization. The project would
 24 engage Indigenous youth directly and investigate the impact of the participatory design model
 25 on their STEM learning, science identity, and interest in STEM careers. The project findings
 26 would be disseminated in informal science and technology learning communities to support
 27 the youth participatory design model in informal science education contexts.

28 Third Award of Grant Funding (2241805)

1 356. 350. On February 19, 2023, the NSF accepted Foreman’s proposal and
 2 awarded a grant (Award Number 2241805). The Award Notice stated that the NSF was
 3 obligated in the amount of \$1,292,298. The award was made in accordance with the
 4 provisions of NSF Solicitation: “NSF 22-585, Innovative Technology Experiences for
 5 Students and Teachers,” and provided that the period of performance was from June 1, 2023
 6 through May 31, 2026.

7 357. 351. The award covered salaries and wages for five senior personnel:
 8 Principal Investigator Ari Krakowski, Ph.D.; co-Principal Investigator Kimiko Ryokai, Ph.D.;
 9 co-Principal Investigator Sarah Olsen, Ph.D.; co-Principal Investigator Vincent Medina; and
 10 Foreman. The award also covered salaries and wages for several other professional
 11 researchers and project coordinators at the Lawrence Hall of Science. The award also
 12 provided \$162,712 to support the work of graduate students.

13 Supplemental Award to Celebrate NSF’s 75th Anniversary (2241805)

14 358. 352. Together with her collaborators, Foreman submitted (through the
 15 Regents of the University of California) to the NSF a proposal for a supplement to award
 16 number 2241805 to celebrate NSF’s 75th anniversary on May 10, 2025. On January 15, 2025,
 17 the NSF accepted Foreman’s proposal and awarded a grant supplement (Award Number
 18 2241805). The Supplemental Award Notice stated that the NSF was obligated by an
 19 additional amount of \$98,981, bringing the total funds awarded to \$1,391,279. The
 20 Supplemental Award Notice also extended the end of the award period from May 31, 2026 to
 21 November 30, 2026.

22 Termination of Grant Funding (2315277, 2314075, and 2241805)

23 359. 353. On April 18, 2025, the University of California, Berkeley received
 24 an email (the “April 18 Termination Email”) from the address “grants005@nsf.gov,”
 25 purporting to be from Jamie H. French, Division Director, Office of Budget Finance and
 26 Award Management, Division of Grants and Agreements. The April 18 Termination Email
 27 stated that the NSF “ha[d] determined that termination of certain awards is necessary because
 28 they are not in alignment with current NSF priorities.” It purported to terminate awards

2315277 and 2314075. It further stated that “the basis” of the termination is that the awards “no longer effectuate the program goals or agency priorities. This is the final agency decision and not subject to appeal.”

360. 354. On April 25, 2025, the University of California, Berkeley received an email (the “April 25 Termination Email”) from the address “grants005@nsf.gov,” purporting to be from Jamie H. French, Division Director, Office of Budget Finance and Award Management, Division of Grants and Agreements. The April 25 Termination Email again stated that “the agency ha[d] determined that termination of certain awards is necessary because they are not in alignment with current NSF priorities.” It terminated, among others, award 2241805. This email likewise further stated that “the basis” of the termination is that the awards “no longer effectuate the program goals or agency priorities. This is the final agency decision and not subject to appeal.”

Harm Suffered from Terminations of Grant Funding

361. ~~355.~~ The Lawrence Hall of Science is UC Berkeley's public science center, with a mission to inspire and engage through science discovery and learning in ways that advance equity and opportunity. Nationwide, the Lawrence Hall reaches over 20% of U.S. students in grades K through 12 with its science curricula. The Lawrence Hall has successfully obtained significant federal funding (20-25% of its budget) to support the research and development to inspire young people, families, communities, and educators in STEM discovery and learning in ways that advance equity. Without federal grant funds, including the terminated grants, the Lawrence Hall's ability to carry out its public service mission is and will be significantly compromised.

362. ~~356.~~ As to “Supporting Rightful Presence in Museum Spaces: Youth as Participatory Designers of Indigenous Mixed Reality Science Exhibits” (Award 2241805), \$490,834.22 or 35% of the award remained unpaid at the time of termination. In addition, when this award was terminated, the supplemental funding for a celebration of the NSF’s 75th anniversary on May 10, 2025 was terminated as well. Because promises had already been

1 made to community members, the Hall still went forward with the event and incurred the
 2 remaining costs.

3 363. ~~357.~~ As to “Working Toward Racial Equity: Building Capacity to
 4 Institutionalize Equity in Outdoor and Environmental Science Education” (Award 2315277),
 5 approximately \$3,769,075.24 or 80% of the award remained unpaid at the time of termination.

6 364. ~~358.~~ As to “Understanding the Impact of Outdoor Science and
 7 Environmental Learning Experiences Through Community-Driven Outcomes” (Award
 8 2314075), approximately \$1,500,251.79 or 75% of the award remained unpaid at the time of
 9 termination.

10 365. ~~359.~~ The financial implications of these abrupt terminations are
 11 enormous, representing millions of dollars of lost funding to the Lawrence Hall. It will likely
 12 need to reduce the time basis of and/or lay off both academic personnel and staff if it is not
 13 able to find alternative resources quickly.

14 366. ~~360.~~ While the financial implications are debilitating, the human cost of
 15 the termination of these awards is also profound. Taken together, the grant-funded projects are
 16 important to the thousands of young people, educators, and partners that they are designed to
 17 engage, serve, and/or impact. The abrupt termination of these grants means these public
 18 benefits will go unrealized.

19 D. **Department of Defense**

20 367. ~~361.~~ The Department of Defense (“DOD”) is a federal agency within
 21 the meaning of the APA that was established to promote national security.

22 1. **Congress Established DOD to Create a Comprehensive Program
 23 Dedicated to Ensuring the Future Security of the United States,
 Including Through Research**

24 368. ~~362.~~ Shortly after the end of World War II, President Truman urged
 25 Congress to combine the War and Navy Departments under one single Department of
 26 National Defense.¹¹⁶ In his address to Congress, President Truman stated that creating the

27 ¹¹⁶ Harry S. Truman Library Museum, *Special Message to the Congress Recommending the*
 28 *Establishment of a Department of National Defense*, (Dec. 19, 1945)
<https://www.trumanlibrary.gov/library/public-papers/218/special-message-congress->

1 Department of National Defense was an “essential step … in the development of a
 2 comprehensive and continuous program for our future safety and for the peace and security of
 3 the world.”¹¹⁷

4 369. ~~363.~~ After months of deliberations regarding the role of the military in
 5 society and the possible threat of granting too much military power to the executive, Congress
 6 created the National Military Establishment through the National Security Act of 1947.¹¹⁸ In
 7 1949, the National Military Establishment was renamed the DOD.

8 370. ~~364.~~ In passing the National Security Act of 1947, Congress intended
 9 to provide a “comprehensive program for the future security of the United States” and to unify
 10 the armed forces into “an efficient team of land, naval, and air forces.”¹¹⁹

11 371. ~~365.~~ Research was a critical component of the Act. The National
 12 Security Act established a Research and Development Board, which would advise the
 13 Secretary of Defense as to the status of scientific research relative to national security and to
 14 assist the Secretary of Defense in assuring adequate funding for research and development on
 15 scientific problems relating to national security.

16 372. ~~366.~~ The Department of Defense Reorganization Act of 1958 amended
 17 the National Security Act of 1947 and created a Director of Defense Research and
 18 Engineering, who would supervise all research activities in DOD. The law further
 19 contemplated that DOD would contract with “educational or research institutions” to carry out
 20 its research mission.¹²⁰

21 373. ~~367.~~ Since 1961, Congress has annually updated the specific duties and
 22 functions of the DOD through the National Defense Authorization Act (NDAA).

23 374. ~~368.~~ For example, the NDAA of Fiscal Year 2024 (“NDAA 2024”)
 24 authorized the DOD to grant awards and funding for research activities related but not limited

26 recommending-establishment-department-national.

27 ¹¹⁷ *Id.*

¹¹⁸ National Security Act of 1947, Pub. L. No. 80-253, 61 Stat. 495.

¹¹⁹ *Id.*

¹²⁰ Department of Defense Reorganization Act of 1958, Pub. L. No. 85-599, 72 Stat. 514.

1 to topics such as microelectronics, artificial intelligence, thermal destruction of PFAS,
 2 quantum information, treatment of armed forces personnel with post-traumatic stress or
 3 traumatic brain injury using designated psychedelic substances, and the effect of the COVID-
 4 19 vaccine on service officers.¹²¹

5 375. ~~369.~~ The NDAA for Fiscal Year 2021 (“NDAA 2021”) required the
 6 Secretary of Defense, acting under the Secretary of Defense for Research and Engineering, to
 7 carry out a program of research and development in social science, management science, and
 8 information science.¹²² The purpose of program was to:

- 9 (1) To ensure that the Department of Defense has access to innovation
 and expertise in social science, management science, and
 information science to enable the Department to improve the
 effectiveness, efficiency, and agility of the Department’s
 operational and management activities.
- 10 (2) To develop and manage a portfolio of research initiatives in
 fundamental and applied social science, management science, and
 information science that is stable, consistent, and balanced across
 relevant disciplines.
- 11 (3) To enhance cooperation and collaboration on research and
 development in the fields of social science, management science,
 and information science between the Department of Defense and
 appropriate private sector and international entities that are involved
 in research and development in such fields.
- 12 (4) To accelerate the development of a research community and
 industry to support Department of Defense missions in the fields of
 social science, management science, and information science,
 including the development of facilities, a workforce, infrastructure,
 and partnerships in support of such missions.
- 13 (5) To coordinate all research and development within the Department
 of Defense in the fields of social science, management science, and
 information science.
- 14 (6) To collect, synthesize, and disseminate critical information on
 research and development in the fields of social science,
 management science, and information science.
- 15 (7) To assess and appropriately share, with other departments and
 agencies of the Federal Government and appropriate entities in the
 private sector—

27 ¹²¹ National Defense Authorization Act for Fiscal Year 2024, Pub. L. No. 118-31, 137 Stat. 136.

28 ¹²² National Defense Authorization Act for Fiscal Year 2021, Pub. L. No. 116-283, 134 Stat.
 3388.

- (A) challenges within the Department of Defense that may be addressed through the application of advances in social science, management science, and information science; and
 - (B) datasets related to such challenges.

(8) To support the identification of organizational and institutional barriers to the implementation of management and organizational enhancements and best practices.

(9) To accelerate efforts—

 - (A) to transition, and deploy within the Department of Defense, technologies and concepts derived from research and development in the fields of social science, management science, and information science; and
 - (B) to establish policies, procedures, and standards for measuring the success of such efforts.

(10) To integrate knowledge from cross-disciplinary research on—

 - (A) how factors relating to social science, management science, and information science affect the global security environment; and
 - (B) best practices for management in the public and private sectors.

(11) To apply principles, tools, and methods from social science, management science, and information science—

 - (A) to ensure the Department of Defense is more agile, efficient, and effective in organizational management and in deterring and countering current and emerging threats; and
 - (B) to support the National Defense Strategy.¹²³

376. ~~370.~~ In addition to the annual NDAAAs, Congress has passed legislation
the DOD to award grants to institutions of higher education. For example, the
then National Security Education Act of 1991 (“NSEA”) instructed the Secretary
to create the National Security Education Program, which would award grants to
higher education in order enable such institutions to establish, operate, or

123 *Id.*

1 improve programs in foreign languages, area studies, counter proliferation studies, and other
 2 international fields that are critical areas of those disciplines through research.¹²⁴

3 377. ~~371.~~ The National Security Education Program is codified at 50 U.S.C.
 4 § 1902. Its goal is to create vital experience in language and cultures critical to U.S. National
 5 Security.

6 378. ~~372.~~ Moreover, in 2008, the Secretary of Defense created the Minerva
 7 Research Initiative (“MRI”) to address challenges such as ethnic strife, failing or failed states,
 8 rise of new powers, rise of violent extremism, disease, poverty, climate change, as well other
 9 unprecedented social change.¹²⁵ MRI was built on the lessons learned after the September 11
 10 terrorist attacks, and was billed by the Pentagon as funding “[s]ocial science for a safer
 11 world.”¹²⁶

12 379. ~~373.~~ MRI “brings together universities and other research institutions
 13 around the world and supports . . . projects addressing specific interest areas determined by
 14 the Department of Defense.”¹²⁷ MRI “emphasizes questions of strategic importance to U.S.
 15 national security policy,”¹²⁸ including violent extremism, drug cartels, and similar threats to
 16 the nation’s security.

17 380. ~~374.~~ Since its inception in 2008, MRI has filled a gap in the knowledge
 18 base of the National Security community by developing models of terrorism, insurgency,
 19 cybersecurity, information operations, deterrence and other relevant topics, validated using
 20 freshly collected data and modern methods. That research has been praised by combatant
 21 commanders for its relevance to their increasingly complex challenges in understanding the
 22 Social Science of modern conflict.

23
 24 ¹²⁴ David L. Boren National Security Education Act of 1991, Pub. Law. No. 102-183, 105 Stat.
 1271 (codified at 50 U.S.C. §1901 et seq.).

25 ¹²⁵ The Minerva Initiative, <https://web.archive.org/web/20090211034051/http://minerva.dtic.mil/>.

26 ¹²⁶ Kai Kupferschmidt, *Pentagon Guts National Security Program that Harnessed Social Science*, Science (Mar. 2, 2025), <https://www.science.org/content/article/pentagon-guts-national-security-program-harnessed-social-science>.

27 ¹²⁷ Grants.Gov, *View Grant Opportunity* (Mar. 15, 2024), <https://grants.gov/search-results-detail/351388>.

28 ¹²⁸ *Id.*

1 381. ~~375.~~ MRI-funded research has enabled a significant improvement in
 2 scholarly understanding of subnational conflicts, as reflected in a manyfold increase in
 3 publications on these topics in the best peer-reviewed journals in Political Science and
 4 Economics.

5 382. ~~376.~~ MRI employs a highly competitive process for the award of its
 6 grant funding. It solicits proposals in pre-defined topic areas and selects among them using
 7 peer and expert review.

8 383. ~~377.~~ Since its inception, MRI has awarded various grants to UC
 9 researchers, including several examples in recent years.

10 384. ~~378.~~ In September 2024, MRI awarded a Peace Scholar Fellowship to a
 11 UC Berkeley graduate student researching the intertwined political, economic, and social
 12 dynamics of international conflict and conflict management.¹²⁹ In August 2023, MRI awarded
 13 a Peace Scholar Fellowship to a UC Davis graduate student conducting doctoral research
 14 related to broad concerns in conflict management and peacebuilding, including security and
 15 stability.¹³⁰ In 2022, the Minerva Initiative awarded a Peace Scholar Dissertation Fellowship
 16 to UC Berkeley and UC San Diego graduate students whose research showed “great potential
 17 to advance the peacebuilding and security fields and to positively influence policy and
 18 practice.”¹³¹

19 385. ~~379.~~ In May 2023, the DOD announced that it would award \$18 million
 20 in grants to 11 university-based faculty teams under its Minerva Initiative, including one UC
 21 San Diego team, one UC Davis team, and one UC Santa Barbara team.¹³²

22 ¹²⁹ *Department of Defense Selects 2024-2025 Minerva-USIP Peace and Security Fellows*, U.S.
 23 Dep’t of Def. (Sept. 20, 2024),
<https://www.defense.gov/News/Releases/Release/Article/3912615/department-of-defense-selects-2024-2025-minerva-usip-peace-and-security-fellows/>.

24 ¹³⁰ *DOD Selects 2023-2024 Minerva-USIP Peace and Security Dissertation Fellows*, U.S. Dep’t
 25 of Def. (Aug. 10, 2023), <https://www.defense.gov/News/Releases/Release/Article/3490020/dod-selects-2023-2024-minerva-usip-peace-and-security-dissertation-fellows/>.

26 ¹³¹ *Department of Defense Announces Awards for the 2022-2023 Cohort of the Minerva-United
 27 States Institute of Peace and Security Dissertation Fellows*, U.S. Dep’t of Def. (Sept. 12, 2022),
<https://www.defense.gov/News/Releases/Release/Article/3155346/department-of-defense-announces-awards-for-the-2022-2023-cohort-of-the-minerva/>.

28 ¹³² *DOD Awards \$18 Million for Academic Research on the Socio-Political Drivers of Future*

1 386. ~~380.~~ In February 2022, the DOD announced that it would award \$28.7
 2 million in grants to 17 university based faculty teams, including one UC Berkeley team,
 3 through the FY2021 Minerva Research Initiative to support research in social and behavioral
 4 science.¹³³ The 17 faculty awardees were selected from approximately 220 applicants using a
 5 merit competition. The research proposals were peer-reviewed and selected for scientific
 6 merit, relevance, and potential impact in conference between the Office of the Under
 7 Secretary of Defense for Research and Engineering and the Office of the Under Secretary of
 8 Defense for Policy.

9 387. ~~381.~~ Outside of grants given through MRI, when deciding whether to
 10 award a grant, the DOD employs a merit review process in which the technical merits of the
 11 proposed research and its potential relationship with the missions of the DOD are evaluated.
 12 32 C.F.R. § 22.315 (describing “[m]erit-based, competitive procedures”).

13 388. ~~382.~~ It is clear that Congress understood the importance of conducting
 14 research relating to national security when creating the DOD. The annual NDAs and Acts
 15 like the NSEA make clear that Congress intended for funding to be allocated for the study of
 16 social issues since such research would further the DOD’s mission: national security.

17 **2. In Response to Trump Administration Directives, DOD Improperly**
 18 **Changed Priorities and Canceled Existing Grants**

19 389. ~~383.~~ DOD quickly caved to President Trump’s and DOGE’s directives
 20 to eliminate grants relating to disfavored topics. On March 4, 2025, Chief Pentagon
 21 Spokesman Sean Parnell stated that DOD had been working “hand in hand with the DOGE
 22 team.”¹³⁴

23 *Conflict*, U.S. Dep’t of Def. (May 26, 2023),
 24 <https://www.defense.gov/News/Releases/Release/Article/3408680/dod-awards-18-million-for-academic-research-on-the-socio-political-drivers-of-f/>.

25 ¹³³ *Department of Defense Awards \$28.7M in Grants for the FY2021 Minerva Research Initiative*,
 U.S. Dep’t of Def. (Feb. 24, 2022),
<https://www.defense.gov/News/Releases/Release/Article/2944623/department-of-defense-awards-287m-in-grants-for-the-fy2021-minerva-research-initiative>.

26 ¹³⁴ C. Todd Lopez, *Initial DOGE Findings Reveal \$80 Million in Wasteful Spending at DOD*,
 U.S. Dep’t of Def. (Mar. 4, 2025), <https://www.defense.gov/News/News-Stories/Article/Article/4096431/initial-doge-findings-reveal-80-million-in-wasteful-spending-at-dod/>.

1 390. ~~384.~~ By March 7, the Department had terminated more than \$30
 2 million in grants that funded 91 studies. In a press release, the Department recognized “the
 3 value of academic research” but stated it was taking action “in response to President Trump’s
 4 Executive Orders.”¹³⁵ The press release stated that the studies affected included research
 5 focused on “global migration patterns, climate change impacts, and social trends.”¹³⁶

6 391. ~~385.~~ By March 20, Secretary Hegseth had issued a memorandum
 7 directing the immediate termination of over \$360 million in additional grants in order to
 8 “implement the President’s orders.”¹³⁷ The memorandum stated that funding would be cut to
 9 research efforts in areas of “Diversity, Equity, and Inclusion and related social programs,
 10 climate change, social science, Covid-19 pandemic response, and other areas – that are not
 11 aligned with DOD priorities.”¹³⁸

12 392. ~~386.~~ This termination essentially gutted MRI, which was partly created
 13 to better understand climate change impacts and social trends. Beginning in March 2025, the
 14 MRI’s website, which included reports on finished and ongoing projects, became
 15 unavailable.¹³⁹ Many, if not all, of the grants previously awarded through MRI have been
 16 terminated.

17 393. ~~387.~~ By terminating grants at the direction of the President, the DOD
 18 has violated its congressional mandates, which require that the DOD fund social science
 19 research. Such mandates include, for example, Congress’s determination of DOD’s funding

20
 21
 22 ¹³⁵ *Pentagon Culls Social Science Research, Prioritizes Fiscal Responsibility and Technologies*
 23 *for Future Battlefield*, U.S. Dep’t of Def. (Mar. 7, 2025),
<https://www.defense.gov/News/Releases/Release/Article/4113076/pentagon-culls-social-science-research-prioritizes-fiscal-responsibility-and-te/>.

24 ¹³⁶ *Id.*

25 ¹³⁷ *Continuing Elimination of Wasteful Spending at the Department of Defense*, U.S. Dep’t of
 26 Def. (Mar. 20, 2025), <https://media.defense.gov/2025/Mar/20/2003673531/-1/-1/0/CONTINUING-ELIMINATION-OF-WASTEFUL-SPENDING-AT-THE-DEPARTMENT-OF-DEFENSE.PDF>.

27 ¹³⁸ *Id.*

28 ¹³⁹ Kai Kupferschmidt, *Pentagon abruptly ends all funding for social science research*, Science (Mar. 10, 2025), <https://www.science.org/content/article/pentagon-abruptly-ends-all-funding-social-science-research>.

1 through legislation such as 50 U.S.C. § 1902 and the annual National Defense Authorization
 2 Acts.

3 **3. DOD Plaintiff and Other Grant Recipients Are Harmed by DOD's**
 4 **Illegal Grant Terminations**

5 394. ~~388.~~ Plaintiff Berman and Class members have long relied on DOD
 6 grants to fund meritorious projects aimed at promoting national security. The termination of
 7 previously approved grants has caused and continues to cause Plaintiff and Class members
 8 serious harm.

9 a. **Plaintiff Eli Berman's Grant Termination and Resulting**
 10 **Harm**¹⁴⁰

11 395. ~~389.~~ Dr. Eli Berman is a Professor of Economics at the University of
 12 California, San Diego ("UCSD") who studies economic development in fragile environments,
 13 with a focus on conflict. He is known particularly for his work applying rational choice
 14 analysis to the behavior of radical religious groups. He holds a dual appointment as a
 15 Professor in UCSD's School of Global Policy and Strategy.

16 396. ~~390.~~ He also serves as the Research Director for International Securities
 17 Studies at the UC Institute on Global Conflict and Cooperation ("IGCC"), a research network
 18 comprised of scholars from across the University of California and the Los Alamos and
 19 Lawrence Livermore National Laboratories, who produce and use research to help build a
 20 more peaceful, prosperous world.

21 397. ~~391.~~ Dr. Berman has published several books on national security
 22 economics including *Proxy Wars: Suppressing Violence through Local Agents* (with
 23 David Lake, Cornell University Press, 2019), *Small Wars, Big Data: The Information*
Revolution in Modern Conflict (with Jacob N. Shapiro and Joseph H. Felter, Princeton U.
 24 Press, 2018), and *Radical, Religious and Violent: The New Economics of Terrorism*
 25 (Cambridge: MIT Press, 2009). He has also authored or co-authored dozens of articles,
 26 papers, and reviews on national security economics and other topics in economics.

27
 28 ¹⁴⁰ Plaintiff Berman submitted a declaration, filed herewith, that further details his background
 and research, including information about his terminated grant.

1 398. ~~392.~~ Over the past three decades, he has received grant funding from a
 2 variety of governmental and private sources. He has received federal grant funding from the
 3 National Science Foundation, the Department of Homeland Security, the Office of Naval
 4 Research, USAID, the U.S. Institute of Peace, and the Department of Defense.

5 DOD Minerva Research Initiative and Past Grants

6 399. ~~393.~~ Dr. Berman has previously served as a principal researcher on
 7 several Minerva Research Initiative projects.

8 400. ~~394.~~ For example, Dr. Berman served as co-Principal Investigator of
 9 the MRI project “Terrorism, Governance, and Development,” led by Professor Jacob Shapiro
 10 of Princeton University, directing a subcontract of \$3,064,551 to IGCC, from March 2009
 11 through August 2015. That project addressed how economic and political development are
 12 enabled when a government must also necessarily counter terrorism and insurgency. The
 13 research encompassed over a dozen scholarly empirical projects including original data
 14 collection in Afghanistan, Iraq, the Philippines, Colombia, Northern Ireland and the
 15 Palestinian Territories, among other sites. It resulted in over a dozen scholarly publications in
 16 leading journals and a book.

17 401. ~~395.~~ Dr. Berman served as Principal Investigator on an MRI project for
 18 research on “Deterrence with Proxies,” from 2014–2021. This research investigated how a
 19 powerful country can meet its security objectives by guiding the actions of proxy forces,
 20 while limiting the vulnerability of its own forces—as the U.S. has done over the last five
 21 decades. This grant resulted in multiple scholarly publications and an academic press book,
 22 trained postdoctoral fellows and PhD students, with a budget of \$3,745,988.

23 402. ~~396.~~ Dr. Berman received another grant from MRI, as the co-Principal
 24 Investigator with Stephen Biddle, for a one-year project entitled “Empirical Analysis for
 25 Meeting Great Power Challenges” in 2020. This grant funded research to evaluate the roles of
 26 technological advantage versus force strength in the success of naval battles, using data from
 27 the 16th Century through the present.

28

1 403. ~~397.~~ Dr. Berman's prior MRI grant funding resulted in successful
 2 projects that furthered the DOD's understanding of national security.

3 DOD's 2023 Minerva Research Grant Application and Award

4 404. ~~398.~~ On February 16, 2023, Dr. Berman, together with his colleagues,
 5 submitted an application for funding to MRI titled "Integrated Deterrence: Episodic Analysis"
 6 in response to an annual request for proposals. Dr. Berman was the Principal Investigator for
 7 the research, and the work was proposed to be done in collaboration with Professor Estaban
 8 Klor at Hebrew University, who was designated the co-Principal Investigator. Their work
 9 plan included hiring postdoctoral fellows, and both graduate and undergraduate research
 10 assistants.

11 405. ~~399.~~ "Integrated Deterrence" is a national security concept that was the
 12 centerpiece of the 2022 National Defense Strategy. Integrated deterrence "involves using
 13 every tool at the Department [of Defense]'s disposal, in close collaboration with our
 14 counterparts across the U.S. Government, and with Allies and partners, to ensure that
 15 potential foes understand the folly of aggression."¹⁴¹ Those tools include not only coercive
 16 measures but also economic, diplomatic, and intelligence instruments.

17 406. ~~400.~~ Dr. Berman's proposal relied on data from the Israel/Gaza conflict
 18 discovered and collected as part of the "Deterrence with Proxies" project. Dr. Berman's team
 19 proposed: (1) coding textual data on incidents into digital form; (2) validating with social
 20 media and official sources; and (3) developing a game theoretic model to analyze the actions
 21 of combatants.

22 407. ~~401.~~ This proposed research would continue and expand Dr. Berman's
 23 earlier Minerva project research funded during the Trump I and Biden administrations.

24 Award of Grant Funding (No. FA 9550-23-1-0437)

25 408. ~~402.~~ On August 28, 2023, Dr. Berman and his team received notice of a
 26 Grant Award that would provide \$1,032,529 in funding over three years.

27 ¹⁴¹ *2022 National Defense Strategy*, U.S. Dep't of Def. (Oct. 27, 2022),
 28 <https://media.defense.gov/2022/Oct/27/2003103845/-1-1/1/2022-NATIONAL-DEFENSE-STRATEGY-NPR-MDR.pdf>.

1 409. ~~403.~~ Progress between 2023 and 2025 was rapid. With the help of a
 2 PhD student, Dr. Berman's team solved a number of technical problems that had stymied
 3 previous researchers. The fine-grained nature of the team's data allowed unprecedented
 4 opportunities to test game-theoretic models of deterrence, specifically addressing whether
 5 episodes of attack and counter-attack tended to escalate or de-escalate, and whether de-
 6 escalation led to zero attacks or to some violent equilibrium. The team's understanding of the
 7 Gaza/Israel conflict in the period before October 7, 2023 vastly improved. More importantly,
 8 the team had a modeling tool to apply to other international conflicts stuck in violent
 9 equilibria.

10 410. ~~404.~~ By late 2024, Dr. Berman's team was already circulating results
 11 and disseminating this research to policy and academic audiences, including within the U.S.
 12 Department of Defense, U.N. Peacekeeping Operations, and Israel's Institute on National
 13 Security Studies, as well as at invited academic seminars and conferences.

14 411. ~~405.~~ The policy relevance of these results is manyfold. The game-
 15 theoretic model provides an analytical tool simple enough for an undergraduate with some
 16 training in economics, political science, or mathematics to use. It has broad applicability to
 17 numerous conflicts stuck in a mutual deterrence equilibrium that is not entirely peaceful.
 18 Disinformation campaigns and election interference have the same logic and reportedly the
 19 same perpetrators, so the results are applicable in that context as well. The model and results
 20 also beg two other questions: (1) can the same methods be applied to understand other
 21 conflicts?; and (2) can the integration of benign (in addition to coercive) instruments shift
 22 those conflicts to a less destructive equilibrium, or even to settlement? Dr. Berman was on the
 23 verge of answering these questions in early 2025.

24 Research Grant Termination (No. FA 9550-23-1-0437)

25 412. ~~406.~~ On February 28, 2025, Dr. Berman received an email from the
 26 program officer for the Air Force Office of Scientific Research, which stated:

27 In line with recent Presidential executive orders, [the Office of the
 28 Undersecretary of Defense for Research & Engineering] has
 determined that your grant award no longer effectuates Minerva

1 program goals or DOD priorities. As such, we are letting you know
 2 that you will soon be hearing from the grants officer responsible for
 your award about terminating it.

3 413. ~~407.~~UCSD subsequently received a brief notice from the DOD
 4 Department of the Air Force that stated: “The Government intends to terminate this Award
 5 under the authority of 2 CFR 200.340(a)(4).” No explanation of any kind for the termination
 6 was provided.

7 414. ~~408.~~On March 3, 2025, DOD issued a Grant/Cooperative Agreement
 8 Modification. Again, it provided no explanation for the termination beyond form language:

9 The subject grant award no longer effectuates the program goals or
 10 agency priorities as found in 2 CFR 200.340(a)(4) as incorporated
 11 into the DOD Research and Development General Terms and
 Conditions for grants by reference.

12 415. ~~409.~~As a result of the modification, the DOD eliminated the third year
 13 of funding on the grant (\$248,991).

14 Harm from Grant Termination

15 416. ~~410.~~Dr. Berman and his team have suffered immediate harm as a result
 16 of the grant cancellation.

17 417. ~~411.~~Dr. Berman and his co-PI have been forced to significantly slow
 18 research progress and dissemination because they must now devote much of their time to
 writing grant applications.

19 418. ~~412.~~The researchers on Dr. Berman’s grant have been unable to
 20 employ a postdoctoral fellow and have had to release from employment their research
 21 assistants. This has slowed the team’s empirical and theoretical progress, and ceased their
 22 training of young scholars.

23 419. ~~413.~~Similarly, the loss of grant funding threatens the team’s ability to
 24 retain essential support staff at the IGCC.

25 420. ~~414.~~The loss of grant funding also threatens the overall research and
 26 teaching operations of the University of California, which relies on Indirect Cost charges
 27 (currently 59% of total cost on new grants at UC San Diego) to cover activities such as

1 building use, equipment depreciation, operation and maintenance of UC facilities, student
 2 services, departmental administration, or administrative support offices.

3 **421.** **415.** Dr. Berman lost 22% of his annual compensation this calendar
 4 year due to grant termination.

5 **422.** **416.** These personal and financial harms are ongoing.

6 **423.** **417.** These harms are in addition to the loss of value to the public from
 7 Dr. Berman's research—specifically the national security community, as Dr. Berman has lost
 8 both time to travel and the resources to pay for travel to conferences and meetings.

9 **E. Department of Transportation**

10 **424.** **418.** The Department of Transportation ("DOT") is a federal agency
 11 within the meaning of the APA established to protect and enhance the safety, adequacy, and
 12 efficiency of the nation's transportation system and services.

13 **1. Congress Established DOT to Promote the Safety, Quality, and**
 14 **Efficiency of the Nation's Transportation Services, Including Through**
Research

15 **425.** **419.** Before the DOT was created in 1967, various federal programs
 16 devoted nearly 100,000 employees and almost \$6 billion to transportation across the United
 17 States.¹⁴² President Lyndon B. Johnson decried this decentralized system as "not good
 18 enough" for the nation, and told Congress that system resulted in inefficient, congested, and
 19 unsafe transportation.¹⁴³ An improved, coordinated system was essential to the nation's
 20 economic health and well-being, including employment, standard of living, accessibility, and
 21 the national defense.¹⁴⁴

22 **426.** **420.** Congress then passed the Department of Transportation Act ("the
 23 Act"), Pub. L. No. 89-670, 80 Stat. 931 (1966), which President Johnson signed into law on
 24 October 15, 1966. The Act centralized 31 federal agencies and functions, including the

25
 26 ¹⁴² President Lyndon B. Johnson, *Special Message to Congress on Transportation* (March 2,
 1066), <https://www.presidency.ucsb.edu/documents/special-message-the-congress-transportation-0>.

27 ¹⁴³ *Id.*

28 ¹⁴⁴ *A Brief History of the DOT*, U.S. Dep't of Trans.,
<https://transportation.libguides.com/c.php?g=1154894&p=8441208>.

1 Federal Aviation Agency, the Coast Guard, the Federal Railroad Administration, and many
 2 others.¹⁴⁵

3 427. 421. Today, the DOT's operating administrations include the U.S.
 4 Department of Transportation Office of the Secretary (OST), National Highway Traffic
 5 Safety Administration (NHTSA), Federal Aviation Administration (FAA), Office of Inspector
 6 General (OIG), Federal Highway Administration (FHWA), Pipeline and Hazardous Materials
 7 Safety Administration (PHMSA), Federal Motor Carrier Safety Administration (FMCSA),
 8 Federal Railroad Administration (FRA), Great Lakes St. Lawrence Seaway Development
 9 Corporation (GLS), Federal Transit Administration (FTA), and the Maritime Administration
 10 (MARAD).¹⁴⁶

11 428. 422. The Act provides "that the national objectives of general welfare,
 12 economic growth and stability, and security of the United States require the development of
 13 transportation policies and programs that contribute to providing fast, safe, efficient, and
 14 convenient transportation at the lowest cost consistent with those and other national
 15 objectives, including the efficient use and conservation of the resources of the United States."
 16 Pub. L. No. 97-449 (codified at 49 U.S.C. § 101(a)).

17 429. 423. The Act also provides that the DOT shall:

- 18 • ensure the coordinated and effective administration of the transportation
 programs of the United States Government;
- 19 • make easier the development and improvement of coordinated
 transportation service to be provided by private enterprise to the greatest
 extent feasible;
- 20 • encourage cooperation of Federal, State, and local governments, carriers,
 labor, and other interested persons to achieve transportation objectives;
- 21 • stimulate technological advances in transportation, through research and
 development or otherwise;
- 22 • provide general leadership in identifying and solving transportation
 problems; and
- 23 • develop and recommend to the President and Congress transportation
 policies and programs to achieve transportation objectives considering the

28 ¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

1 needs of the public, users, carriers, industry, labor, and national defense.¹⁴⁷

2 430. 424. One way the DOT effectuates its mission is by providing funding
 3 to projects that invest in “transportation infrastructure, safety, and innovation across the
 4 country.”¹⁴⁸ Congress appropriates these funds and authorizes transportation programs based
 5 on national priorities.¹⁴⁹ The DOT provides funding through Competitive Grant Funding
 6 Programs, Formula Grant Funding Programs (funding to states, tribes, and transit agencies),
 7 Loan Financing Programs, and Public-Private Partnerships (P3s).

8 431. 425. The DOT administers competitive grant programs through its
 9 operating administrations (“OAs”) and the Office of the Secretary of Transportation.¹⁵⁰ Each
 10 OA (e.g., Federal Highway Administration, Federal Transit Administration) solicits
 11 applications through a Notice of Funding Opportunity and selects projects based on program
 12 eligibility, evaluation criteria, and Departmental or program priorities. The Bipartisan
 13 Infrastructure Law alone provided billions of dollars for the DOT to distribute through
 14 competitive grant programs.¹⁵¹

15 432. 426. Since the DOT’s creation, Congress has continually provided
 16 funding and additional duties for the DOT to carry out its mission.¹⁵² The Department’s
 17 authorities are codified under U.S. Code Titles 23 (highways), 46 (maritime), and 49
 18 (aviation, railroads, and other surface modes).¹⁵³

19 433. 427. In subsequent legislation, Congress has consistently affirmed that
 20 the DOT shall improve the nation’s transportation system for all Americans, and has done so
 21

22
 23 ¹⁴⁷ Pub. L. 97-449 (codified at 49 U.S.C. § 101(b)).

24 ¹⁴⁸ *Overview of Funding and Financing at USDOT*, U.S. Dep’t of Trans.,
<https://www.transportation.gov/grants/dot-navigator/overview-funding-and-financing-usdot>.

25 ¹⁴⁹ *Id.*

26 ¹⁵⁰ *Id.*

27 ¹⁵¹ *The Bipartisan Infrastructure Law and Innovation*, U.S. Dep’t of Trans.,
<https://www.transportation.gov/priorities/innovation/bipartisan-infrastructure-law-and-innovation>.

28 ¹⁵² *Strategic Plan for FY 2028-2022*, U.S. Dep’t of Trans., (February 2018),
<https://www.transportation.gov/sites/dot.gov/files/docs/mission/administrations/office-policy/304866/dot-strategic-planfy2018-2022508.pdf>.

¹⁵³ *Id.*

1 using language that the Trump Administration associates with “DEI” and “environmental
 2 justice.”

3 434. 428. For example, in 1991, Congress passed the Intermodal Surface
 4 Transportation Efficiency Act (“ISTEA”) to develop a National Intermodal Transportation
 5 System. Pub. L. No. 102-240, 105 Stat. 1914 (Dec. 18, 1991). Congress declared that the
 6 system would include “significant improvements in public transportation necessary to achieve
 7 national goals for improved air quality, energy conservation, international competitiveness,
 8 and mobility for elderly persons, persons with disabilities, and economically disadvantaged
 9 persons in urban and rural areas of the country.” Pub L. 102-240 § 2. Parts of the ISTE A
 10 directed the Secretary of the DOT (“the Secretary”) to implement this system by leading and
 11 coordinating the research and development of high-speed rail, wooden bridges, and highway
 12 safety conditions. *Id.* Title I, Part A, §§ 1036, 1039. The ISTE A also authorized the Secretary
 13 of the DOT to collaborate with non-federal entities and to conduct research into areas such as
 14 underground pipes, buses, and construction materials. *Id.* Title VI, Part A §§ 6001, 6005,
 15 6020, 6021.

16 435. 429. In 1998, Congress passed the Transportation Equity Act for the
 17 21st Century (“TEA-21”) to authorize funds for Federal-aid highways, highway safety
 18 programs, transit programs, and other transportation purposes. Pub. L. No. 105–178, 112
 19 Stat. 107 (June 9, 1998).

20 436. 430. The TEA-21 reauthorized the Disadvantaged Business Enterprises
 21 (“DBE”) provision, which was first introduced in DOT legislation beginning in 1983, and has
 22 been reauthorized at every opportunity since.¹⁵⁴ The TEA-21’s DBE provision required that at
 23 least 10 percent of the funding made available by the statute was to be provided to small
 24 businesses controlled and owned by “socially and economically disadvantaged individuals.”
 25 *Id.* Title I, Subtitle A, § 1101(b)(1).

26
 27
 28

¹⁵⁴*Disadvantaged Business Enterprise (DBE) Program*, U.S. Dep’t of Trans.,
<https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise>.

1 437. ~~431.~~ Most recently, in 2021, Congress passed the Infrastructure
 2 Investment and Jobs Act (“IIJA”), also known as the Bipartisan Infrastructure Law. Pub L.
 3 No. 117-85, 135 Stat. 429 (codified at 23 U.S.C § 101). Much of the IIJA requires the DOT to
 4 consider and prioritize projects that target disadvantaged communities and prioritize equitable
 5 outcomes.

6 438. ~~432.~~ The IIJA directed the Secretary to establish the Healthy Streets
 7 program, which would provide grants to mitigate urban heats islands and improve air quality.
 8 Pub L. No. 117-85, Title I, Subtitle D, § 11406. In awarding the grants, Congress specified
 9 that the Secretary should prioritize projects that target low-income or disadvantaged
 10 communities. *Id.* § 11406(f)(1).

11 439. ~~433.~~ The IIJA also directed the Secretary to make grants to
 12 organizations constructing safe and connected active transportation facilities. The IIJA also
 13 directed that in considering applications, the Secretary should consider the extent to which a
 14 proposal addresses “existing disparities in bicyclist and pedestrian fatality rates based on race
 15 or income level or provide access to jobs and services for low-income communities and
 16 disadvantaged communities.” *Id.*

17 440. ~~434.~~ The IIJA also directed the Secretary to establish the Reconnecting
 18 Communities Pilot (“RCP”) Grant Program to advance “community-centered transportation
 19 connection projects, with a priority for projects that benefit low-capacity communities.”¹⁵⁵
 20 The primary goal of the RCP is to “reconnect communities harmed by past transportation
 21 infrastructure decision.”¹⁵⁶ In evaluating grant applications, the Secretary is required to
 22 consider a project’s “opportunities for inclusive economic development.” Pub L. 117-85 Title
 23 I, Subtitle E, § 11509 (d)(4)(B)(v).

24 441. ~~435.~~ The IIJA also directed the Secretary to establish the Rural
 25 Opportunities to Use Transportation for Economic Success Office (“ROUTES”) which was
 26 tasked to “improve analysis of projects from rural areas, Indian Tribes, and historically

27 ¹⁵⁵ *Reconnecting Communities Pilot (RCP) Grant Program*, U.S. Dep’t of Trans.,
 28 https://www.transportation.gov/reconnecting.

¹⁵⁶ *Id.*

1 disadvantaged communities in rural areas applying for Department discretionary grants.” *Id.* §
 2 25010(b)(1)(A). The IIJA codified the ROUTES initiative, which was established under the
 3 first Trump administration in October 2019 with DOT Order 5050.1.¹⁵⁷

4 442. ~~436.~~ The IIJA also amended the University Transportation Centers
 5 (“UTC”) Program, which was established in 1987. The UTC program “advances the state-of-
 6 the-art in transportation research and technology, and develops the next generation of
 7 transportation professionals.”¹⁵⁸ The program requires the Secretary to award grants to
 8 proposals that address six research priorities: improving mobility of people and goods;
 9 reducing congestion; promoting safety; improving the durability and extending the life of
 10 transportation infrastructure; preserving the environment; preserving the existing
 11 transportation system; and reducing transportation cybersecurity risks. 49 U.S.C. §
 12 6503(c)(1). And the Secretary is required to select grants based in part on the recipient’s
 13 “demonstrated commitment” to developing the transportation workforce through “outreach
 14 activities to attract new entrants into the transportation field, including women and
 15 underrepresented populations.” *Id.* § 5505(b)(4)(B)(v)(II).

16 443. ~~437.~~ The IIJA also established the Safe Streets and Roads for All
 17 (SS4A) program with over \$5 billion in funds to distribute to initiatives preventing roadway
 18 fatalities and serious injuries.¹⁵⁹ In awarding grants, the IIJA requires the Secretary to
 19 consider whether a project ensures “equitable investment in the safety needs of underserved
 20 communities in preventing transportation-related fatalities and injuries.” Pub L. No. 117-85,
 21 Title IV, Subtitle A, § 24112(d)(3)(E).

22 444. ~~438.~~ The IIJA also required the Federal Motor Carrier Safety
 23 Administration, an administration of the DOT, to establish an advisory board focused on
 24 creating opportunities for women in the trucking industry. *Id.* § 23007.

25
 26 ¹⁵⁷ *Rural Opportunities to Use Transportation for Economic Success (ROUTES)*, U.S. Dep’t of
 Trans., <https://www.transportation.gov/rural>.

27 ¹⁵⁸ *University Transportation Centers*, U.S. Dep’t of Trans.,
<https://www.transportation.gov/content/university-transportation-centers>.

28 ¹⁵⁹ *Safe Streets and Roads for All (SS4A) Grant Program*, U.S. Dep’t of Trans.,
<https://www.transportation.gov/grants/SS4A>.

1 445. ~~439.~~ The IIJA also reauthorized the DBE program, finding that “while
 2 significant progress has occurred due to the establishment of the disadvantaged business
 3 enterprise program, discrimination and related barriers continue to pose significant obstacles
 4 for minority- and women-owned businesses seeking to do business in Federally assisted”
 5 transportation markets. *Id.* Title I, Subtitle A, § 11101(e)(1)(A).

6 446. ~~440.~~ These measures demonstrate that Congress directed the DOT to
 7 consider so-called “DEI” priorities in its initiatives, including in grant funding.

8 **2. In Response to Trump Administration Directives, DOT Improperly
 9 Changed Priorities and Canceled Existing Grants**

10 447. ~~441.~~ In January 2025, Sean Duffy was appointed as the Secretary of the
 11 DOT.¹⁶⁰ Duffy’s first actions were to “advance[] President Donald Trump’s agenda to rescind
 12 woke policies” and ensure that all DOT “policies align with the Administration’s
 13 priorities.”¹⁶¹ He made no mention of the priorities set by Congress.

14 448. ~~442.~~ To align with President Trump’s executive orders, including E.O.
 15 14148, the Secretary signed the “Woke Rescission” Memorandum, which directed DOT
 16 officials to “identify and eliminate all Biden-era programs, policies, activities, rules, and
 17 orders that promote climate change activism, Diversity, Equity, and Inclusion (DEI)
 18 initiatives, racial equity, gender identity policies, environmental justice, and other partisan
 19 objectives.”¹⁶²

20 449. ~~443.~~ This alignment with the Trump administration included how the
 21 DOT defended its lawsuits.

22 450. ~~444.~~ In October 2023, two DOT contractors had sued the DOT,
 23 challenging the constitutionality of the DBE program. *Mid-Am. Milling Co. v. United States
 24 Dep’t of Transp.*, No. 3:23-CV-00072-GFVT-EBA, 2025 WL 1461818, at *1 (E.D. Ky. May

25
 26 ¹⁶⁰ U.S. Transportation Secretary Duffy Takes Action to Rescind “Woke” DEI Policies and
 27 Advance President Trump’s Economic Agenda, U.S. Dep’t of Trans. (Jan. 29, 2025),
<https://www.transportation.gov/briefing-room/us-transportation-secretary-sean-duffy-takes-action-rescind-woke-dei-policies-and>.

28 ¹⁶¹ *Id.*

¹⁶² *Id.*

1 21, 2025). Any person may qualify as socially and economically disadvantaged, but certain
 2 racial groups and women are “rebuttably presumed” to be disadvantaged. *Id.* In September
 3 2024, a district court judge issued a preliminary injunction enjoining the DOT from
 4 “mandating the use of race-and gender-based rebuttable presumptions for [DOT] contracts
 5 impacted by DBE goals.” *Id.* at *2. In May 2025, after the change in administration, the DOT
 6 filed a proposed consent order stipulating that the DBE program’s use of race- and sex-based
 7 presumptions is unconstitutional.¹⁶³ However, the district judge has not yet approved the order
 8 as intervenor-defendants continue to litigate the case on behalf of beneficiaries of the
 9 program. *Mid-Am. Milling Co.*, 2025 WL 1461818, at *1.

10 451. ~~445.~~ Secretary Duffy has been clear that he is targeting polices and
 11 grants that do not conform to the Administration’s priorities.

12 452. ~~446.~~ On April 24, 2025, the Secretary sent a letter to all DOT grant
 13 recipients instructing them to “Follow the Law.”¹⁶⁴ The letter told recipients they had “entered
 14 into legally enforceable agreements with the United States Government and are obligated to
 15 comply fully with all applicable Federal laws and regulations.”¹⁶⁵ The letter also provided
 16 that:

17 “Whether or not described in neutral terms, any policy, program, or
 18 activity that is premised on a prohibited classification, including
 19 discriminatory policies or practices designed to achieve so-called
 20 “diversity, equity, and inclusion,” or “DEI,” goals, presumptively
 21 violates Federal law. Recipients of DOT financial assistance must
 22 ensure that the personnel practices (including hiring, promotions, and
 23 terminations) within their organizations are merit-based and do not
 24 discriminate based on prohibited categories. Recipients are also
 25 precluded from allocating money received under DOT awards—such
 26 as through contracts or the provision of other benefits—based on
 27 suspect classifications.”¹⁶⁶

28

¹⁶³ *Mid-Am. Milling Co. v. United States Dep’t of Transp.* No. 3:23-CV-00072-GFVT-EBA, Dkt. 82-1, May 28, 2025.

¹⁶⁴ *Trump’s Transportation Secretary Sean P. Duffy: Follow The Law*, U.S. Dep’t of Trans. (Apr. 24, 2025), <https://www.transportation.gov/briefing-room/trumps-transportation-secretary-sean-p-duffy-follow-law>. The full text of the letter is available at <https://www.transportation.gov/sites/dot.gov/files/2025-05/Follow%20the%20Law%20Letter%20to%20Applicants%204.24.25.pdf>.

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

1 453. ~~447.~~ The letter told recipients they were required to cooperate with
 2 federal authorities, including cooperating and not impeding U.S. Immigration and Customs
 3 Enforcement (“ICE”).¹⁶⁷ And it provided that “DOT may also terminate funding in response
 4 to substantiated breaches of the terms of the agreement, or if DOT determines that continued
 5 funding is no longer in the public interest.”¹⁶⁸

6 454. ~~448.~~ In blatant contradiction of its enabling legislation in the IIJA, on
 7 April 1, 2025, the Secretary removed the “DEI/Climate Requirements” in the grant
 8 application for the SS4A grant program.¹⁶⁹ This action removed the definition of equity and
 9 language stating that the DOT was seeking projects that address equity and environmental
 10 justice from the notice of funding opportunity.¹⁷⁰ The Secretary said that “DEI and
 11 environmental justice requirements for the Safe Streets program weren’t just unnecessary –
 12 they were bogging down the system and preventing money from going out to where it’s
 13 needed.”¹⁷¹

14 455. ~~449.~~ On May 2, 2025, the Secretary announced that the DOT
 15 terminated “seven woke university grants” that were used to “advance a radical DEI and
 16 green agenda that were both wasteful and ran counter to the transportation priorities of the
 17 American people.”¹⁷² The Secretary explained that the “previous administration turned the
 18 [DOT] into the Department of Woke” and that Americans “have zero interest in millions of
 19 their tax dollars funding research on the intersection of gender non-conforming people and
 20 infrastructure inequality or whether road improvement projects are racist.”¹⁷³ The
 21 terminations included grants to UC Davis for “accelerating equitable decarbonization

22
 23 ¹⁶⁷ *Id.*

24 ¹⁶⁸ *Id.*

25 ¹⁶⁹ *U.S. Transportation Secretary Sean P. Duffy Announces Funding for Communities to Improve*
 Road Safety, U.S. Dep’t of Trans. (April 1, 2025), <https://www.transportation.gov/briefing-room/us-transportation-secretary-sean-p-duffy-announces-funding-communities-improve-road>.

26 ¹⁷⁰ *Id.*

27 ¹⁷¹ *Id.*

28 ¹⁷² *U.S. Transportation Secretary Sean P. Duffy Defunds Woke University Grants*, U.S. Dep’t of
 Trans. (May 2, 2025), <https://www.transportation.gov/briefing-room/us-transportation-secretary-sean-p-duffy-defunds-woke-university-grants>.

¹⁷³ *Id.*

1 research,” to USC for research regarding how “the transportation system creates and
 2 perpetuates inequities,” and to Johns Hopkins for research on “pollution exposure inequality
 3 in New York City.”¹⁷⁴

4 456. ~~450.~~ Plaintiff Handy received a letter containing the following form
 5 explanation for her grant’s termination, which demonstrates that DOT replaced its
 6 Congressionally mandated directives for Defendant Trump’s:

7 At the time your grant was issued, the grant agreement and applicable
 8 regulations authorized termination by “the Federal awarding agency
 9 or pass-through entity, to the greatest extent authorized by law, if an
 award no longer effectuates the program goals or agency priorities.”
 2 CFR § 200.340(a)(2). DOT’s priorities presently include:

- 10 • promoting traditional forms of energy and natural resources to the
 greatest extent possible,
- 11 • ensuring that taxpayer dollars are used efficiently in ways that
 maximally benefit the American people and improve their quality of
 life, and
- 12 • ceasing to promote divisive diversity, equity, and inclusion
 initiatives that discriminate on the basis of race, national origin, or
 another protected characteristic.

13 Having individually reviewed your grant in light of DOT’s priorities,
 14 the Office of the Secretary has determined that your grant is
 15 inconsistent with the priorities listed above.¹⁷⁵

16 457. ~~451.~~ On information and belief, all researchers received the same
 17 “rationale” for grant termination.

18 458. ~~452.~~ The DOT’s present priorities used to rescind research grants
 19 contradict Congress’s mandate to the DOT in the IIJA and other directives.

20 459. ~~453.~~ Many parts of the IIJA provide funding for clean energy projects,
 21 as opposed to “traditional forms of energy,” and mandates that the DOT distribute these
 22 funds. For example, the IIJA appropriated “\$1.1 billion for the Federal Transit
 23 Administration’s Low or No Emission Vehicle Program and \$50 million for the Electric or
 24

25
 26
 27
 28 ¹⁷⁴ *Id.*

¹⁷⁵ Handy Decl. Ex. F.

1 Low-emitting Ferry Program in FY 2022.”¹⁷⁶ The IIJA also included billions of dollars to
 2 create additional charging stations for electric vehicles.¹⁷⁷

3 460. 454. “Ceasing to promote divisive diversity, equity, and inclusion,
 4 initiatives” also violates the IIJA and other legislation. Specifically, applicants for the UTC
 5 program are required to be evaluated on their “demonstrated commitment” to developing the
 6 transportation workforce through “outreach activities to attract new entrants into the
 7 transportation field, including women and underrepresented populations.” 49 U.S.C. §
 8 5505(b)(4)(B)(v)(II).

9 461. 455. On July 2, 2025, the Secretary sent a second letter to all DOT
 10 grant recipients announcing that the “Trump Administration will not enforce Biden-era DEI
 11 and Green New Scam policies or requirements.”¹⁷⁸ The Secretary wrote that the DOT will not
 12 enforce anything related to climate change, greenhouse gas emissions, racial equity, gender
 13 identity, diversity, equity, and inclusion goals, environmental justice, or the Justice 40
 14 Initiative. This change was in response to several of President Trump’s Executive Orders,
 15 including:

- 16 • E.O. 14170, Reforming the Federal Hiring Process and Restoring Merit to
 Government Service;
- 17 • E.O. 14151, Ending Radical and Wasteful Government DEI Programs and
 Preferencing;
- 18 • E.O. 14168, Defending Women from Gender Ideology Extremism and
 Restoring Biological Truth to the Federal Government;
- 19 • E.O. 14149, Restoring Freedom of Speech and Ending Federal
 Censorship;
- 20 • E.O. 14173, Ending Illegal Discrimination and Restoring Merit-Based
 Opportunity; and

24
 25 ¹⁷⁶ *Fact Sheet: Climate and Resilience in the Bipartisan Infrastructure Law*, U.S. Dep’t of Trans.,
 https://www.transportation.gov/bipartisan-infrastructure-law/fact-sheet-climate-and-resilience-
 bipartisan-infrastructure-law.

26 ¹⁷⁷ *Id.*

27 ¹⁷⁸ *President Trump’s Transportation Secretary Sean P. Duffy to Recipients of Federal Funds: We’re Tossing All Biden-Era DEI Directives*, U.S. Dep’t of Trans. (July 9, 2025),
 https://www.transportation.gov/briefing-room/president-trumps-transportation-secretary-sean-p-
 duffy-recipients-federal-funds-were.

- 1 • E.O. 14154, Unleashing American Energy.¹⁷⁹

2 462. 456. The Trump DOT's drastic shift in priorities and purging of certain
 3 ideas deviates from the DOT's long-tradition of improving the nation's transportation for all
 4 Americans and violates Congressional statutes.

5 3. **DOT Plaintiff and Other Grant Recipients Are Harmed by DOT's**
Illegal Grant Terminations

6 463. 457. Plaintiff Handy and Class members have long relied on DOT
 7 grants to fund meritorious projects in the transportation space. The termination of previously
 8 approved grants has caused and continues to cause Plaintiff and Class members serious harm.

9 b. **Plaintiff Susan Handy's Grant Terminations and Resulting**
Harm¹⁸⁰

10 464. 458. Dr. Susan L. Handy is a Distinguished Professor in the
 11 Department of Environmental Science and Policy at the University of California, Davis who
 12 studies the relationship between transportation and land use, particularly the impact of land
 13 use on travel behavior and on strategies for reducing automobile dependence.

14 465. 459. Dr. Handy has served as the Center Director of the National
 15 Center for Sustainable Transportation (NCST) since its founding in 2013. She previously
 16 served as the Chair of the Transportation Technology and Policy Graduate Group, the Chair
 17 of the Department of Environmental Science and Policy, and the Director of the Sustainable
 18 Transportation Center at UC Davis. Her recent work includes projects for the California Air
 19 Resources Board and Caltrans.

20 466. 460. Dr. Handy is the author of the book *Shifting Gears: Toward a*
 21 *New Way of Thinking About Transportation* (MIT Press, 2023). She has also authored or co-
 22 authored dozens of articles, papers, and reviews on transportation and land use.

23 467. 461. Dr. Handy also serves as an Associate Editor of *Transportation*
 24 *Research Record* and serves on the Editorial Board of numerous other journals including

25
 26
 27 ¹⁷⁹ *Id.*

28 ¹⁸⁰ Plaintiff Handy submitted a declaration, filed herewith, that further details her background and
 research, including information about her terminated grant.

1 *Transport Reviews, Travel Behavior & Society; Transport Policy; Journal of Transportation*
 2 *and Land Use; Journal of Planning Education and Research; and Transportation Research.*

3 The National Center for Sustainable Transportation (NCST)

4 468. 462. Dr. Handy is the director of the National Center for Sustainable
 5 Transportation (“NCST”), which provides national leadership in advancing environmentally
 6 sustainable transportation through cutting-edge research, direct policy engagement, and
 7 education. The NCST was established in 2013 after being selected in a national competition to
 8 serve as one of five national transportation centers as part of the University Transportation
 9 Centers (UTC) program administered by the DOT under the Moving Ahead for Progress in
 10 the 21st Century Act. In 2016, the NCST successfully re-competed for the opportunity to
 11 continue serving as one of the DOT’s national UTCs under the Fixing America’s Surface
 12 Transportation Act

13 469. 463. The NCST is a powerful coalition of seven universities across the
 14 country. The Institute of Transportation Studies at the University of California, Davis, leads
 15 the NCST, with partner centers at California State University, Long Beach; Georgia Institute
 16 of Technology; Texas Southern University; the University of California, Riverside; the
 17 University of Southern California; and the University of Vermont.

18 470. 464. Since its founding, the NCST has been delivering results with
 19 timely, practical research that has produced 356 reports and white papers, 163 policy and
 20 research briefs—which make complex findings easy to understand for everyday Americans—
 21 and over 400 peer-reviewed publications. Over the past decade, the NCST has hosted 416
 22 events, drawing nearly 30,000 participants from government agencies, industry leaders, and
 23 the public. Hundreds of students have taken part in NCST programs.

24 471. 465. Many of the NCST’s studies target transportation challenges in
 25 small towns and farming communities, where good roads and access to jobs and services are
 26 essential to daily life and economic survival. NCST also supports American industry and
 27 supply chains by exploring better ways to move goods.

28

1 472. ~~466.~~ Moreover, the NCST's activities have had transformational
 2 impacts on the nation's transportation systems. Its work has contributed to accelerated
 3 adoption of vehicles and fuels that minimize greenhouse gas emissions, new approaches to
 4 infrastructure provision and systems operation that lessen environmental impacts, and a shift
 5 towards modes other than driving so as to reduce vehicle miles traveled while improving
 6 accessibility. These transformations help the United States reduce its greenhouse gas
 7 emissions while reducing other environmental harms, enhancing social equity, and supporting
 8 economic vitality.

9 473. ~~467.~~ The NCST has received funding from the DOT, the California
 10 Department of Transportation, the California Air Resources Board, the California Energy
 11 Commission, the South Coast Air Quality Management District, sources in the States of
 12 Georgia, Texas, and Vermont, and private industry.

13 Award of NCST Grant Funding (Nos. 69A3552344814 and 69A3552348319)

14 474. ~~468.~~ In 2022, Dr. Handy and her colleagues at the NCST submitted a
 15 grant proposal to the DOT to fund the NCST's research activities in the DOT Priority Area
 16 "Preserving the Environment," as set out by the Infrastructure Investment and Jobs Act
 17 ("IIJA").

18 475. ~~469.~~ The NCST would support four kinds of research activities, all
 19 aimed at matching research to policy: (1) building tools; (2) developing policy; (3) conducting
 20 studies; and (4) undertaking basic research. The application explained that the NCST's
 21 research activities would relate to electrification, alternative fuels, air quality, and
 22 environmental justice.

23 476. ~~470.~~ Dr. Handy was the Principal Investigator for this grant proposal.

24 477. ~~471.~~ On June 1, 2023, Dr. Handy and her team received from DOT
 25 notice of Grant Award Nos. 69A3552344814 and 69A3552348319 awarding a total of
 26 \$4,000,000 per funding year, for five annual allocations of funding.

27 478. ~~472.~~ This award was made under the IIJA, through which the DOT
 28 awarded \$90 million in funding per year for the competitively selected UTC programs,

1 including the NCST's \$4 million annual award. The NCST's funding was awarded to promote
 2 research focused on accelerating equitable decarbonization that benefits both the
 3 transportation system and the well-being of people in overburdened and historically
 4 disadvantaged communities. The research activities were focused on three critical domains:
 5 (1) vehicle technology to accelerate lower greenhouse gas emissions; (2) infrastructure
 6 provision; and (3) reshaping travel demand.

7 [Termination of NCST Grant Funding \(Nos. 69A3552344814 and
69A3552348319\)](#)

8
 9 [479.](#) ~~473.~~ On May 2, 2025, Dr. Handy and her team learned of the
 10 termination of all of NCST's DOT funding—in effect the termination of the NCST itself—
 11 through a DOT press release titled “U.S. Transportation Secretary Sean P. Duffy Defunds
 12 Woke University Grants.”¹⁸¹

13 [480.](#) ~~474.~~ Also on May 2, 2025, UC Davis received a Notice of Termination
 14 announcing the termination of Award Nos. 69A3552344814 and 69A3552348319 on the
 15 grounds that the awards are “inconsistent” with current DOT “priorities,” including “DOT’s
 16 priority to cease promoting DEI initiatives that discriminate on the basis of race, national
 17 origin, or another protected characteristic.”

18 [481.](#) ~~475.~~ The Notice of Termination also apparently references the research
 19 activities of a different DOT grantee, C2SMARTER, in purporting to explain the reasons for
 20 the termination of NCST’s grants.

21 [Pacific Southwest Region University Transportation Center \(PSR UTC\) and Grant
Funding](#)

22
 23 [482.](#) ~~476.~~ The Pacific Southwest Region University Transportation Center is
 24 a regional UTC funded by the DOT. Established in 2016, the PSR UTC is led by the
 25 University of Southern California and includes nine research partner universities, including

26
 27
 28 ¹⁸¹ *U.S. Transportation Secretary Sean P. Duffy Defunds Woke University Grants*, U.S. Dep’t of
 Trans. (May 2, 2025), <https://www.transportation.gov/briefing-room/us-transportation-secretary-sean-p-duffy-defunds-woke-university-grants>.

1 the University of California, Berkeley, the University of California, Davis, the University of
 2 California, Irvine, and the University of California, Los Angeles.

3 483. ~~477.~~ Dr. Handy is the Principal Investigator on Subaward No. SCON-
 4 00005220 funded through PSR UTC's DOT Grant No. 69A3552348309. The subaward was
 5 for \$245,000 for a budget period of June 1, 2023, through May 31, 2024; subsequently
 6 amended on July 1, 2024, to provide the second annual allocation of funding in the amount of
 7 \$240,734.55, and to extend the subaward end date to May 31, 2025.

8 Termination of PSR UTC Grant Funding and Subaward

9 484. ~~478.~~ The May 2, 2025 DOT press release announcing the termination
 10 of NCST's grants also announced the termination of PSR UTC's grants.

11 485. ~~479.~~ On May 5, 2025, UC Davis's Sponsored Programs Office received
 12 a stop work notification relating to Subaward No. SCON-00005220. Attached to the email
 13 was the termination letter the University of Southern California received from DOT,
 14 terminating PSR UTC's Grant No. 69A3552348309.

15 486. ~~480.~~ The language of this termination letter was similar to the language
 16 in the letter terminating NCST's grant funding. The PSR UTC termination letter similarly
 17 states that the "grant is inconsistent with the priorities" of DOT, including "DOT's priority to
 18 cease promoting DEI initiatives that discriminate on the basis of race, national origin, or
 19 another protected characteristic." The letter also labels PSR UTC's electric vehicle statement
 20 and "environmental justice themes" as "discriminatory consideration and 'green new deal'"
 21 principles that are inconsistent with DOT's priorities."

22 Harm Suffered from Grant Terminations

23 487. ~~481.~~ Dr. Handy and her collaborators at NCST and PSR UTC have
 24 suffered immediate harm as a result of the cancellation of their grants and the defunding of
 25 their research centers.

26 488. ~~482.~~ Dr. Handy and the 77 other researchers funded by these grants at
 27 the time of cancellation have been forced to significantly slow both research progress and
 28 dissemination. As of the terminations of the grants, 79 research projects were in progress that

1 now may not be completed. Rather than taking on pressing research questions, much of Dr.
 2 Handy's time and that of her fellow researchers has been taken up writing grant applications
 3 to replace lost funding. They have lost both time and funding needed to travel to meetings and
 4 conferences to disseminate their research.

5 489. ~~483.~~ The researchers on these grants have had to lay off or find new
 6 sources of funding for more than 40 graduate and undergraduate research assistants who were
 7 employed on research projects funded by these grants. Researchers have been unable to make
 8 employment offers to graduate and undergraduate research assistants or to postdoctoral
 9 fellows for the coming year. This not only has slowed Dr. Handy's research progress, it has
 10 also ceased her training of these young scholars.

11 490. ~~484.~~ Loss of grant funding similarly threatens Dr. Handy's ability to
 12 retain essential support staff. The loss of grant funding resulted in the loss of the equivalent of
 13 nearly 5 full time staff positions at UC Davis alone. The reduction in staffing is severely
 14 limiting the active dissemination of findings from completed projects to agencies, industry,
 15 and the public.

16 491. ~~485.~~ Loss of grant funding threatens the overall research and teaching
 17 operations of UC Davis, which relies on federal funding to further its educational and
 18 scientific purposes.

19 492. ~~486.~~ These personal and financial harms are ongoing. Nearly 10
 20 percent of Dr. Handy's annual compensation was lost this calendar year due to grant
 21 terminations.

22 493. ~~487.~~ These harms are in addition to the loss of value to the public from
 23 the research funded by these grants. The grant terminations put an end to research that is
 24 critical to ensuring the environmental and financial sustainability of the nation's
 25 transportation system and enhancing its ability to serve the needs of the U.S. population.

26 **F. Department of Health and Human Services and National Institutes of Health**

27 494. ~~488.~~ The Department of Health and Human Services ("HHS") is the
 28 federal agency responsible for protecting public health and well-being in the United States.

1 495. ~~489.~~ The National Institutes of Health (“NIH”) is a subunit of HHS and
 2 is the federal agency responsible for conducting and supporting biomedical and public health
 3 research. Widely acknowledged as a “crown jewel” of America’s scientific institutions—a
 4 characterization the agency’s director recently reiterated¹⁸²—NIH is the largest public funder
 5 of medical research in the world.

6 **1. Congress Established NIH to Fund Medical Research on a Broad Scale**
 7 **to Advance Human Health and Well-Being in the United States**

8 496. ~~490.~~ NIH traces its origins to the 1887 establishment of the Hygienic
 9 Laboratory, a component of the Marine Hospital Service dedicated to the study of epidemic
 10 diseases. Subsequent statutes have transformed that single laboratory into a multifaceted
 11 agency at the center of this suit. In 1902, the laboratory assumed responsibility for testing and
 12 regulating vaccines and biologic products with the passage of the Biologics Control Act, ch.
 13 1378, 32 Stat. 728 (1902). In 1930, Congress redesignated the laboratory as the National
 14 Institute (singular) of Health and established fellowships for biological and medical
 15 researchers. *See* Ransdell Act, ch. 251, 46 Stat. 379 (1930). In 1937, Congress created the
 16 National Cancer Institute, authorizing the new institute to award research grants to nonfederal
 17 scientists and to fund fellowships for young researchers. *See* National Cancer Institute Act,
 18 ch. 565, 50 Stat. 559 (1937). In 1944, Congress made the National Cancer Institute a division
 19 of NIH and expanded NIH’s support for biomedical research. Public Health Service Act
 20 (“PHSA”), ch. 373, 58 stat. 682 (1944). And in 1948, following the creation of several
 21 additional subsidiary institutes, Congress gave the umbrella agency its current name: the
 22 National Institutes (plural) of Health. *See* National Heart Act, ch. 481, 62 Stat. 464 (1948).

23 497. ~~491.~~ Today, NIH is made up of 27 institutes and centers (“ICs” in NIH
 24 parlance), each focusing on a different disease or body system. NIH is the primary source of
 25 federal funding for biomedical and public health research in the United States. In fiscal year
 26
 27

28 ¹⁸² *Opening Statement of Dr. J. Bhattacharya, S. Comm. on Health, Educ., Lab. & Pensions*
 (March 5, 2025), <https://bit.ly/Bhattacharya-Statement>.

1 2024, NIH spent over \$36 billion on over 60,000 research grants, awarding recipients in each
 2 of the fifty States and the District of Columbia.¹⁸³

3 498. 492. According to the agency, “NIH’s mission is to seek fundamental
 4 knowledge about the nature and behavior of living systems and the application of that
 5 knowledge to enhance health, lengthen life, and reduce illness and disability.”¹⁸⁴ NIH carries
 6 out its mission through both “intramural” research (that is, research conducted in-house at
 7 NIH) and “extramural” research (that is, research conducted at outside institutions with NIH
 8 financial support).

9 499. 493. In addition to supporting numerous scientific breakthroughs, NIH
 10 funds are also critical to the education and training of the next generation of scientists and
 11 researchers. NIH’s financial awards support postdoctoral fellows, graduate students, and
 12 early-career investigators whose work advances scientific discovery and innovation. These
 13 funds not only provide financial support, but also enable mentorship, access to cutting-edge
 14 resources, and participation in collaborative research environments that are essential to
 15 developing the skills, experience, and professional networks needed to sustain the biomedical
 16 research enterprise.

17 500. 494. NIH’s extramural research activities stem from statutory
 18 directives. Congress has enacted laws authorizing NIH and its constituent institutes and
 19 centers to conduct research and award grants, and it has supplied funding for those activities
 20 through regular appropriations.

21 501. 495. The PHSA contains Congress’s overarching authorization for NIH
 22 (as a component of the “Public Health Service”) to conduct research and award grants. 42
 23 U.S.C. §241 (a) states:

24
 25 ¹⁸³ See *United for Medical Research, NIH’s Role in Sustaining the U.S. Economy*, *United*
 for Medical Research, at 5 (Mar. 2025), https://www.unitedformedicalresearch.org/wp-content/uploads/2025/03/UMR_NIH-Role-in-Sustaining-US-Economy-FY2024-2025-Update.pdf (tabulating NIH research grants awarded, FY2024); see also NIH, *NIH Awards by Location & Organization*, <https://report.nih.gov/award/index.cfm> (searchable results); NIH, *Research Project Grants*, <https://report.nih.gov/nihdatabook/category/4> (identifying historical data through 2023, and reporting more than 40,000 competitive grant awards in 2022 and 2023).

26
 27 ¹⁸⁴ NIH, *Mission and Goals*, <https://www.nih.gov/about-nih/what-we-do/mission-goals>.

1 The Secretary [of Health and Human Services] shall conduct in the [Public
 2 Health] Service, and encourage, cooperate with, and render assistance to other
 3 appropriate public authorities, scientific institutions, and scientists in the conduct
 4 of, and promote the coordination of, research, investigations, experiments,
 5 demonstrations, and studies relating to the causes, diagnosis, treatment, control,
 6 and prevention of physical and mental diseases and impairments of man,
 7 including water purification, sewage treatment, and pollution of lakes and
 8 streams.

9 And 42 U.S.C. §241 (a)(3) states:

10 [The Secretary may] make grants-in-aid to universities, hospitals, laboratories,
 11 and other public or private institutions, and to individuals for such research
 12 projects as are recommended by the advisory council to the entity of the
 13 Department [of Health and Human Services] supporting such projects and make,
 14 upon recommendation of the advisory council to the appropriate entity of the
 15 Department, grants-in-aid to public or nonprofit universities, hospitals,
 16 laboratories, and other institutions for the general support of their research.

17 502. ~~496.~~ Section 284 of the PHSA imposes similar responsibilities and
 18 confers similar authority on the directors of NIH's institutes and centers. Among other things,
 19 each director "shall encourage and support research, investigations, experiments,
 20 demonstrations, and studies in the health sciences[,]" 42 U.S.C. § 284(b)(1)(A), and, to that
 21 end, "may make grants and cooperative agreements . . . for research, training, or
 22 demonstrations[.]" *id.* §284(b)(2)(A). *See also* 42 U.S.C. § 282 (similar, for the NIH director).

23 503. ~~497.~~ Other sections of the PHSA provide more specific directives to
 24 each of NIH's constituent institutes and centers, detailing the ICs' general purposes and
 25 establishing initiatives and programs within each of them. *Cf.* 42 U.S.C. §284(b)(1)(A)
 26 (providing that, in carrying out the purposes of section 301 of the PHSA, the Secretary, acting
 27 through the Director of each research institute within NIH, "shall encourage and support
 28 research, investigations, experiments, demonstrations, and studies in the health sciences" with
 respect to the human disease or disorder or other aspects of human health for which the
 national research institutes were established). Some of these statutory provisions are directly
at odds with the "policy priorities" Defendants HHS, Kennedy, NIH, and Bhattacharya now
invoke to terminate plaintiffs' NIH grants.

29 504. ~~498.~~ In addition to the above statutory directives, Congress also
 30 established a public process to identify the research priorities of NIH and its institutes and

1 centers. Every six years, the NIH director must “develop and submit to the appropriate
 2 committees of Congress and post on the [NIH’s website] a coordinated strategy (to be known
 3 as the ‘National Institutes of Health Strategic Plan’) to provide direction to the biomedical
 4 research investments made by the National Institutes of Health, to facilitate collaboration
 5 across the institutes and centers, to leverage scientific opportunity, and to advance
 6 biomedicine.” 42 U.S.C. § 282(m)(1). Each of NIH’s institutes and centers similarly develops
 7 and promulgates a strategic plan that publicly articulates its research priorities. *Id.* §
 8 282(m)(3).

9 505. 499.-NIH has previously followed Congress’s direction and publicized
 10 its research priorities. In September 2019, the NIH director began the process of updating the
 11 agency’s priorities in biomedical and behavioral research areas, research capacity, and
 12 research conduct. Between October 2019 and July 2020, NIH gathered feedback from its
 13 institutes and centers, their advisory councils, external stakeholders, and the general public.
 14 The Strategic Plan published in 2020 stated that, among other things, NIH would prioritize
 15 “improving minority health and reducing health disparities; enhancing women’s health;
 16 addressing public health challenges across the lifespan; promoting collaborative science; and
 17 leveraging data science for biomedical discovery.”¹⁸⁵ Similarly, the plan stated that NIH
 18 “supports a comprehensive spectrum of immunology and infectious disease research focused
 19 on developing improved or novel vaccines. [] including the rapid development of new
 20 vaccines to mitigate emerging infectious disease outbreaks, such as COVID-19, Ebola virus
 21 disease (EVD), and influenza (flu).”¹⁸⁶

22 506. 500.-Most of NIH’s funding comes from annual discretionary
 23 appropriations from Congress.¹⁸⁷ For years, Congress has made appropriations for NIH

25 ¹⁸⁵ NIH, *NIH-Wide Strategic Plan, Fiscal Years 2021-2025* at 3 (2020),
 26 <https://www.nih.gov/sites/default/files/2025-01/strategic-plan-fy2021-2025.pdf>.

27 ¹⁸⁶ *Id.* at 8.

28 ¹⁸⁷ Some of NIH’s funding is from mandatory funding sources or available due to specific transfer
 or budgetary rules, but the “vast majority” comes from annual discretionary Congressional
 appropriations. *National Institutes of Health Funding: FY1996-FY2025*, Cong. Research Serv.
 Rep. (June 25, 2024), <https://www.congress.gov/crs-product/R43341>.

1 research with this statutory and regulatory framework in mind and generally has appropriated
 2 specific amounts to each of NIH's institutes and centers to carry out the purposes set forth in
 3 the authorizing statutory provisions described above.¹⁸⁸

4 507. 501. In recent years, Congress has specifically rejected efforts to
 5 significantly cut NIH's funding. For example, in 2017, as part of its fiscal year 2018 budget
 6 proposal, the first Trump Administration sought to reduce NIH annualized spending by \$5.8
 7 billion, to \$25.9 billion.¹⁸⁹ The proposal's primary method of achieving these cuts was by
 8 slashing the "indirect cost rate" for NIH grants, capping it at 10% across the board. This
 9 proposal drew bipartisan criticism. The Senate Appropriations Committee reported that the
 10 proposal would "radically change the nature of the Federal Government's relationship with
 11 the research community," would "abandon[] the Government's "long-established
 12 responsibility" for research infrastructure, and would jeopardize "biomedical research
 13 nationwide." S. Rep. No. 115-150, at 109 (2017). To avoid this possibility, Congress enacted
 14 statutory language (which it has readopted in every subsequent appropriations measure)
 15 barring NIH or any other agency from restructuring or modifying the existing approach to
 16 indirect costs. *See Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, div. H, §226,*
 17 *132 Stat. 348, 740.* And ultimately, rather than enacting the Administration's proposal of
 18 cutting NIH funding to \$25.9 billion, Congress's all-in appropriation to NIH for fiscal year
 19 2018 was \$37.3 billion—higher than the prior fiscal year's appropriation.¹⁹⁰

20

21 ¹⁸⁸ *See, e.g., Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, div. H, tit. II, 136 Stat. 4459, 4861-4865; Consolidated Appropriations Act, 2022, Pub. L. No. 117-103, div. H, tit. II, 136 Stat. 49, 448-452; Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, div. H, tit. II, 134 Stat. 1182, 1573-1577; Further Consolidated Appropriations Act, 2020, Pub. L. No. 116-94, div. A, tit. II, 133 Stat. 2534, 2562-2565; Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019, Pub. L. No. 115-245, div. B, tit. II, 132 Stat. 2981, 3074-3076; Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, div. H, tit. II, 132 Stat. 348, 720-723; Consolidated Appropriations Act, 2017, Pub. L. No. 115-31, div. H, tit. II, 131 Stat. 135, 524-526; see also, e.g., Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, div. G, tit. II, 121 Stat. 1844, 2173-2177.*

22 ¹⁸⁹ *See Off. of Mgmt. & Budget, Major Savings and Reforms: Budget of the U.S. Government*
Fiscal Year 2018, at 43 (2017), <https://bit.ly/OMBFY18>.

23 ¹⁹⁰ NIH, *History of Congressional Appropriations, Fiscal Years 2010-2019*, at 1,
<https://bit.ly/42p9Lya>.

1 508. 502. In subsequent budget proposals, the Administration generally
 2 sought to increase, not decrease, NIH's funding. Its Fiscal Year 2020 budget proposal touted
 3 the Administration's prioritization of "critical health research" and proposed a \$33 billion
 4 appropriation to NIH—about \$6 billion higher than its 2017 proposal.¹⁹¹ Similarly, the Fiscal
 5 Year 2021 budget reiterated the Administration's commitment to prioritizing "critical health
 6 research" and "support[ing] innovation," and proposed providing \$38 billion to NIH.¹⁹²
 7 Ultimately, Congress appropriated even more funds to NIH than the Administration requested
 8 for fiscal year 2021: about \$42.9 billion.¹⁹³

9 509. 503. Overall, from Fiscal Years 2017 through 2023, NIH funding
 10 increased annually, which is consistent with NIH's stable, and generally increasing, funding
 11 for more than 20 years:¹⁹⁴

12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24

25 ¹⁹¹ Off. of Mgmt. & Budget, *A Budget for a Better America, Budget of the U.S. Gov't, Fiscal Year*
 2020, at 46, <https://bit.ly/OMBFY20>.

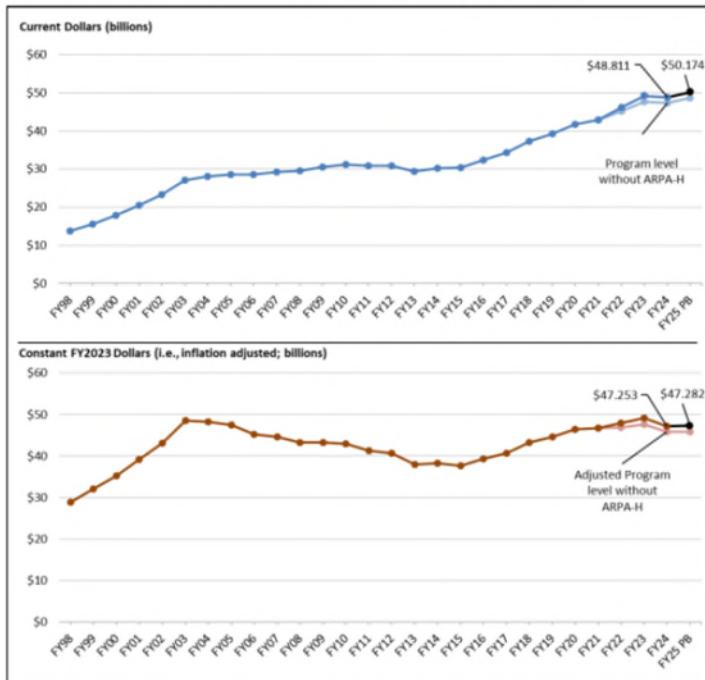
26 ¹⁹² Off. of Mgmt. & Budget, *A Budget for America's Future, Fiscal Year 2021*, at 52,
<https://bit.ly/OMBFY2021>.

27 ¹⁹³ NIH, *Supplementary Appropriation Data Table for History of Congressional Appropriations,*
Fiscal Years 2020-2025, at 1, <https://bit.ly/42dM1M4>.

28 ¹⁹⁴ *National Institutes of Health Funding: FY1996-FY2025*, Cong. Research Serv. Rep. (June 25,
 2024), <https://www.congress.gov/crs-product/R43341>.

Figure 1. NIH Funding, FY1998-FY2025 Request

Program Level Funding in Current and Projected Constant (FY2023) Dollars.



510. ~~504.~~ Congress's appropriations to NIH for Fiscal Year 2024 were no

different. Consistent with past appropriations for NIH activities, the Further Consolidated Appropriations Act of 2024 (2024 CAA) appropriates to each of NIH's Institutes and Centers specific amounts "for carrying out section 301 and title IV of the [Public Health Service] Act" with respect to their specific, respective statutory purposes. Pub. L. 118-47, div. D, tit. II, 138 Stat. 460, 656-657. For example, the 2024 CAA appropriates \$7,224,159,000 to the National Cancer Institute "for carrying out section 301 and title IV of the [PHSA] with respect to cancer"; \$3,982,345,000 to the National Heart, Lung, and Blood Institute to carry out the same statutory purposes "with respect to cardiovascular, lung, and blood diseases, and blood and blood products"; and \$2,603,925,000 to the National Institute for Neurological Disorders and Stroke to carry out the same statutory purposes "with respect to neurological disorders and stroke." *Id.*

511. ~~505.~~ Congress has not enacted a Consolidated Appropriations Act for

Fiscal Year 2025, but on March 15, 2025, the President signed the Full-Year Continuing Appropriations and Extensions Act, 2025, commonly known as a "Continuing Resolution" or

1 “CR” (2025 CR). Pub. L. 119-4, 139 Stat. 9. Pursuant to the 2025 CR, Congress appropriated
 2 “[s]uch amounts as may be necessary . . . under the authority and conditions provided in
 3 applicable appropriations Acts for fiscal year 2024, for projects or activities . . . that are not
 4 otherwise specifically provided for, and for which appropriations, funds, or other authority
 5 were made available” in the specific appropriations Acts. *Id.*, div. A, §1101(a), 139 Stat. at
 6 11. Congress made limited changes in the 2025 CR with respect to the appropriation to NIH,
 7 including rescission of a portion of NIH funding (\$221,000,000 of a \$1.25 billion
 8 appropriation) previously appropriated to the “NIH Innovation Account, CURES Act,” which
 9 is separate from Congress’s discretionary appropriations to NIH’s Institutes and Centers. *Id.*,
 10 div. A, §1905, 139 Stat. at 32.¹⁹⁵ Otherwise, Congress did not rescind any amounts
 11 appropriated to NIH’s institutes or centers and maintained the same level of funding as set
 12 forth in the 2024 CAA, through September 30, 2025. *See id.*, div. A, §1101(a)(8), 139 Stat. at
 13 11.

14 512. ~~506.~~ NIH generally awards extramural grants through a competitive
 15 process. At any given time, NIH has over a thousand active funding opportunities supporting
 16 a broad range of programs.

17 513. ~~507.~~ The Department of Health and Human Services has promulgated
 18 regulations at 45 C.F.R. Part 75, governing the award of grants by HHS and its agencies,
 19 including NIH. This includes 45 C.F.R. §52.6(c), which allows HHS to notice a grant award
 20 for a “project period,” during which HHS intends to support the project “without requiring the
 21 project to recompete for funds.”

22 514. ~~508.~~ NIH uses three-character “activity codes” to group and classify
 23 these funding opportunities, with the first character typically identifying the major funding
 24 category or program type. “For example, activity codes for research and development often

25 ¹⁹⁵ Appropriations to the account created by the Cures Act are, “[i]n effect,” “not subject to
 26 discretionary spending limits.” *Nat'l Insts. of Health Funding: FY1996-FY2025*, Cong. Research
 27 Serv. Rep. (June 25, 2024), <https://www.congress.gov/crs-product/R43341>. Funds may be
 28 transferred from the Cures Act account to other NIH accounts “only for the purposes specified in
 the Cures Act.” *Id.* Congress exempted from any rescission amounts previously designated by
 Congress as for an “emergency requirement” under the Balanced Budget and Emergency Deficit
 Control Act of 1985. 2025 CR, div. A, §1101(a)(8), 139 Stat. at 11

1 start with ‘R,’ training with ‘T,’ fellowship with ‘F,’ and career development with ‘K.’¹⁹⁶ The
 2 “R01” code, for example, denotes grants “[t]o support a discrete, specified, circumscribed
 3 project to be performed by the named investigator(s) in an area representing his or her specific
 4 interest and competencies.” *Id.*

5 515. ~~509.~~ The NIH competitive grantmaking process begins with a notice of
 6 funding opportunity (“NOFO”), a public announcement in which NIH declares its intention to
 7 award funds and outlines the program goals and objectives and conditions for applying. *See*
 8 U.S. Dep’t of Health & Hum. Servs. *NIH Grants Policy Statement*, §2.3.5, at I-51 (Apr. 2024)
 9 (“NIHGPS”), <https://grants.nih.gov/grants/policy/nihgps/nihgps.pdf>.

10 516. ~~510.~~ A researcher interested in responding to a NOFO will typically
 11 work with the “sponsored research” department at his or her institution to understand what
 12 NIH requires in its application submission. At the University of California Berkeley, for
 13 example, the Sponsored Projects Office assists faculty and staff in locating sources of
 14 funding, reviewing and approving proposals, and negotiating grants and contracts.

15 517. ~~511.~~ Once a researcher develops a project proposal, that person then
 16 submits an electronic grant application to NIH. Applications must conform to 45 C.F.R. Part
 17 75, and must include a detailed research plan outlining the study’s objectives, methodology,
 18 and significance; a proposed budget and justification; biosketches for key investigators; and
 19 any necessary compliance documentation, such as Institutional Review Board approval for
 20 human subject research.

21 518. ~~512.~~ A submitted grant application undergoes two layers of evaluation:
 22 an initial layer of review by a “scientific review group” (also known as a “study section”),
 23 followed by a round of review by an “advisory council.” *See* 42 U.S.C. §§284a, 289a; *see also*
 24 NIHGPS §2.4, at I-71 (“The peer review system used by NIH, often referred to as the ‘dual
 25 review system,’ is based on two sequential levels of review for each application—initial
 26 review by [a study section], and a second level of review for scientific merit by the IC

27
 28 ¹⁹⁶ NIH, *Activity Codes* (March 28, 2025), <https://grants.nih.gov/funding/activity-codes>; *see* NIH,
Funding Categories, (Feb. 3, 2025), <https://grants.nih.gov/funding/funding-categories>.

1 National Advisory Council/Board.”). According to NIH, this process “is intended to ensure
 2 that applications for funding submitted to NIH are evaluated on the basis of a process that is
 3 fair, equitable, timely, and conducted in a manner that strives to eliminate bias.” NIHGPS
 4 §2.4, at I-71.

5 519. 513. As noted, the first level of application review is carried out by a
 6 study section. The role of study sections is to assess applications’ scientific merit and to
 7 determine the overall impact that proposed projects will likely have on the relevant field.
 8 Governing statutes and regulations require this layer of review—*i.e.*, a favorable study-section
 9 recommendation is a prerequisite to a final award of any NIH grant. *See* 42 U.S.C. §§
 10 284(b)(2)(B), 289a(a); 42 C.F.R. pt. 52h.

11 520. 514. These groups consist primarily of non-federal scientists who have
 12 expertise in relevant scientific disciplines and current research areas. 42 C.F.R. § 52h.4. NIH
 13 has hundreds of study sections, organized by specialty. In the field of chronic HIV infection,
 14 for example, NIH maintains study sections on (1) HIV Coinfections and HIV Associated
 15 Cancers, (2) HIV Comorbidities and Clinical, (3) HIV/AIDS Intra- and Inter-personal
 16 Determinants and Behavioral Interventions, (4) HIV Immunopathogenesis and Vaccine
 17 Development, (5) HIV molecular virology, cell biology, and drug development, and (6)
 18 Population and Public Health Approaches to HIV/AIDS.

19 521. 515. Study sections carry out their work, including review of pending
 20 applications, at regularly scheduled meetings. These meetings must be noticed in advance in
 21 the Federal Register. *See* 42 C.F.R. § 52h.3 (“To the extent applicable, the Federal Advisory
 22 Committee Act, as amended . . . shall govern the establishment and operation of peer review
 23 groups.”); 5 U.S.C. §1009(a)(2) (“[T]imely notice of each meeting [subject to the Federal
 24 Advisory Committee Act] shall be published in the Federal Register . . .”).

25 522. 516. Study sections review and score each grant application according
 26 to established criteria set forth in regulations and the NOFO. In particular, the study section
 27 assesses the overall impact that the project could have on the research field involved, taking
 28 into account:

- 1 a. The significance of the goals of the proposed research, from a scientific or
2 technical standpoint;
- 3 b. The adequacy of the approach and methodology proposed to carry out the
4 research;
- 5 c. The innovativeness and originality of the proposed research;
- 6 d. The qualifications and experience of the principal investigator and
7 proposed staff;
- 8 e. The scientific environment and reasonable availability of resources
9 necessary to the research;
- 10 f. The adequacy of plans to include both genders, minorities, children and
11 special populations as appropriate for the scientific goals of the research;
- 12 g. The reasonableness of the proposed budget and duration in relation to the
13 proposed research; and
- 14 h. The adequacy of the proposed protection for humans, animals, and the
15 environment, to the extent they may be adversely affected by the project
16 proposed in the application.

17 42 C.F.R. §52h.8; *see also* 42 C.F.R. §52a.5 (describing review criteria for NIH research center
18 grants); 42 C.F.R. §52h.11 (describing review criteria for NIH research contracts).

19 523. ~~517.~~ As a result of that review, each grant application receives an
20 “overall impact score” from 10 (the best score, denoting high impact) to 90 (the worst score,
21 denoting low impact). Each application also receives a percentile rank expressing the impact
22 score in relation to other applications in that particular institute. Projects deemed
23 “unfundable” by the study section are not given a score and are removed from further
24 consideration.

25 524. ~~518.~~ Each fiscal year, NIH’s institutes and centers publish guidance
26 called “paylines” to help applicants interpret their study-section results. These paylines reflect
27 a sort of cutoff: for each category of grants, the payline shows the impact score (or percentile)
28 above which a project is highly likely to be funded. In Fiscal Year 2025, for example,
 published guidance from the National Institute of Allergy and Infectious Diseases (“NIAID”)
 established a 16th-percentile payline for “R01” awards with new or early-stage principal

1 investigators.¹⁹⁷ In other words, an applicant in that category who received a score from the
 2 relevant study section within the 12th percentile could anticipate that NIAID would likely
 3 fund his or her project. Study-section scores that meet or exceed the payline in this way are
 4 commonly referred to as “fundable” scores.

5 525. 519. In addition to providing scores and percentiles, study sections also
 6 provide each applicant with a “summary statement” that contains, among other things, a brief
 7 summary of the study section’s discussion, bulleted critiques from assigned reviewers, and
 8 any administrative comments. Applicants can use these summary statements to revise
 9 applications and address concerns, if necessary.

10 526. 520. As noted, the second level of application review is carried out by
 11 an advisory council. Unlike the numerous study sections, each NIH institute or center that
 12 funds grants has a single advisory council (*i.e.*, there is one advisory council for NIAID, one
 13 for the National Cancer Institute, and so on). By statute, NIH advisory councils must meet at
 14 least three times per fiscal year. 42 U.S.C. §284a(e). Like study section meetings, advisory
 15 council meetings must be noticed in advance in the Federal Register. *See* 41 C.F.R. §102-
 16 3.150 (requiring 15 days’ notice).

17 527. 521. Whereas a study section’s review focuses on scientific merit, an
 18 advisory council’s review weighs programmatic and institute-wide considerations. A council
 19 considers, among other things, the extent to which an application aligns with the institute or
 20 center’s priorities, public health needs, and overall funding availability. The council also
 21 reviews the application for other potential barriers, such as ethical issues around human or
 22 animal test subjects.

23 528. 522. An advisory council makes one of three decisions on each
 24 application: an application is recommended for funding, not recommended for funding, or
 25 deferred for re-review by the study section. A favorable recommendation from the relevant
 26
 27

28 ¹⁹⁷ NIH, *NIAID Paylines* (May 15, 2025), <https://www.niaid.nih.gov/grants-contracts/niaid-paylines>.

1 institute's advisory council is a prerequisite to final award of any grant in excess of \$50,000.
 2 42 U.S.C. § 284(b)(2); *see also* §284a(a)(3)(A)(ii).

3 529. 523. The advisory council makes funding recommendations to the
 4 institute or center director, who ultimately makes the funding decision. In making that
 5 decision, the institute or center director shall consider, consistent with the peer-review
 6 process: (i) the mission of the national research institute or national center and the scientific
 7 priorities identified in the institute or center's strategic plan; (ii) programs or projects funded
 8 by other agencies on similar research topics; and (iii) advice by staff and the advisory council
 9 or board of such national research institute or national center. 42 U.S.C. § 284(b)(3).

10 530. 524. If the decision is in favor of funding, NIH issues a legally binding
 11 Notice of Award ("NoA") to the selected grant recipients stating that funds may be requested.
 12 NIHGPS §5, at IIA-59.

13 531. 525. NIH typically does not issue grants as lump-sum awards. Instead,
 14 NIH uses a cost-based accounting system, under which grant recipients are authorized to
 15 recover their actual, documented costs for conducting research after the grant is awarded.
 16 Institutions can then use awards—and indeed, rely on those awards—to obtain a line or letter
 17 of credit for the procurement of the resources needed for the project.

18 532. 526. If NIH approves a project with a multi-year period, the agency
 19 typically awards the grant for the first year (the "award year") at the outset, with funding for
 20 subsequent years (the "out years") subject to a renewal process. In these "noncompetitive"
 21 renewals, the application does not undergo a fresh round of peer review—instead, applicants
 22 submit progress reports demonstrating that the grantee is making progress and complying
 23 with applicable policies and practices. *See* 42 C.F.R. § 52a.6. So long as grantees demonstrate
 24 progress and compliance with applicable policies and practices, noncompetitive renewals are
 25 approved as a matter of course.

26 533. 527. NIH's application and award process follows a predictable
 27 calendar each year that is posted in advance. The agency has three standard application cycles
 28 per year, with published schedules identifying application due dates, the timing of study

1 section and advisory council review, and the earliest permissible start date for the project. As
 2 reflected on the agency's website,¹⁹⁸ the current triannual schedule is as follows:

Review and Award Cycles			
	Cycle I	Cycle II	Cycle III
Application Due Dates	January 25 - May 7	May 25 - September 7	September 25 - January 7
Scientific Merit Review	June - July	October - November	February - March
Advisory Council Round	August or October *	January	May
Earliest Project Start Date	September or December *	April	July

8

9 **2. In Response to Trump Administration Directives, HHS Through NIH**
Improperly Changed Priorities and Canceled Existing Grants

10 534. ~~528.~~ The foregoing paragraphs describe NIH as it existed and
 11 functioned through the decades, from its original founding until January 20, 2025.

12 535. ~~529.~~ HHS is now facing an existential threat: the Trump Administration
 13 has negated the HHS's core grant-making function by unilaterally, arbitrarily and illegally
 14 terminating billions of dollars in lawfully awarded research grants that the Administration
 15 views (often mistakenly) as having some connection to diversity, equity and inclusion (most
 16 broadly defined), as well as other subjects the Trump Administration dislikes, such as climate
 17 change, vaccines, HIV/AIDS, and COVID-19.

18 536. ~~530.~~ HHS has been explicit about its adherence to Trump's and
 19 DOGE's orders. HHS announced on March 27, 2025 that it would begin "restructuring in
 20 accordance with President Trump's Executive Order" creating DOGE.¹⁹⁹ DOGE operatives
 21 have personally directed top NIH officials to terminate "hundreds" of grants, and the "Defend
 22 the Spend" collaboration between DOGE and HHS has frozen thousands of grants.²⁰⁰

23

24

25 ¹⁹⁸ HHS, *HHS Announces Transformation to Make America Healthy Again*, (Mar. 27, 2025),
<https://www.hhs.gov/press-room/hhs-restructuring-doge.html>.

26 ¹⁹⁹ Chris Wright, *Unleashing the Golden Era of American Energy Dominance*, U.S. Dep't of
 27 Energy (Feb. 5, 2025), <https://www.energy.gov/articles/secretary-wright-acts-unleash-golden-era-american-energy-dominance>.

28 ²⁰⁰ Dan Diamond, et al., *DOGE, Trump Grants, HHS NIH Backlog*, Washington Post (Apr. 17,
 2025), <https://www.washingtonpost.com/politics/2025/04/17/doge-trump-grants-hhs-nih-backlog/>.

1 537. ~~531.~~ On February 10, Acting Secretary of Health and Human Services
 2 Dorothy Fink issued a new memorandum implementing the President's Executive Orders
 3 related to DEI. That memorandum "DIRECT[ED]" all HHS personnel, including NIH, to
 4 "pause all payments made to . . . grantees related to DEI and similar programs for internal
 5 review for payment integrity. . . . [I]f after review, the Department has determined that a
 6 contract is inconsistent with Department priorities and no longer in the interest of government
 7 . . . grants may be terminated in accordance with federal law."²⁰¹

8 538. ~~532.~~ Beginning no later than the second week of February, HHS
 9 developed a policy that required the termination of grants related to specific categories of
 10 research that were disfavored as a matter of Administration policy. These categories originally
 11 focused on "DEI-related" projects, but have evolved to include other disfavored categories,
 12 including projects related to gender identity, vaccine hesitancy, and COVID-19.

13 539. ~~533.~~ On February 10, 2025, Acting Secretary Fink issued a "Secretarial
 14 Directive on DEI-Related Funding," which stated:

15 The Department of Health and Human Services has an obligation to ensure that
 16 taxpayer dollars are used to advance the best interests of the government. This
 17 includes avoiding the expenditure of federal funds on programs, or with
 18 contractors or vendors, that promote or take part in diversity, equity, and inclusion
 19 ("DEI") initiatives or any other initiatives that discriminate on the basis of race,
 color, religion, sex, national origin, or another protected characteristic. Contracts
 and grants that support DEI and similar discriminatory programs can violate
 Federal civil rights law and are inconsistent with the Department's policy of
 improving the health and well-being of all Americans.

20 The directive went on to state:

21 For these reasons, pursuant to, among other authorities, FAR 12.403(b) and
 22 49.101 and 45 C.F.R. §75.371- 372, the Secretary of Health and Human
 Services hereby DIRECTS as follows:

23 Agency personnel shall briefly pause all payments made to contractors,
 24 vendors, and grantees related to DEI and similar programs for internal review
 25 for payment integrity. Such review shall include but not be limited to a
 26 review for fraud, waste, abuse, and a review of the overall contracts and
 grants to determine whether those contracts or grants are in the best interest of
 the government and consistent with current policy priorities. In addition, if
 after review the Department has determined that a contract is inconsistent
 27 with Department priorities and no longer in the interest of the government,

28 ²⁰¹ See District of Massachusetts' Findings of Fact, Rulings of Law, and Order For Partial
 Separate and Final Judgment in *Massachusetts v. Kennedy*, 25-10814-WGY (Dkt. 163).

such contracts may be terminated pursuant to the Department's authority to terminate for convenience contracts that are not "in the best interests of the Government," see FAR 49.101(b); 12.403(b). Furthermore, grants may be terminated in accordance with federal law.

The February 10 directive did not define the term "related to DEI and similar programs."

540. ~~534.~~ On February 12, Mike Lauer, then NIH's Deputy Director for Extramural Research, sent a memo directing that "given recent court orders" in federal court actions related to funding freezes, NIH institutes and centers were "authorized, along with their respective grant management staff, to proceed with issuing awards for all competing, non-competing continuation, and administrative supplements . . . grants."

541. ~~535.~~ On February 13, Mr. Lauer instructed Chief Grants Management Officers that "[i]f the sole purpose of the grant . . . supports DEI activities, then the award must be fully restricted." It also called for "hard funding restrictions" where the program promotes initiatives that "discriminate" on the basis of race, sex, or other protected characteristics, without defining what constituted such discrimination in a research program. That day, Mr. Lauer resigned from his position with NIH. On information and belief, Mr. Lauer was forced out because of his memorandum the previous day.

542. ~~536.~~ On or about March 4, NIH issued an updated guidance on "Award Assessments for Alignment with Agency Priorities." It provided staff with the language that terminations must include when a grant is terminated for relation to China, DEI, or "[t]ransgender issues."

543. ~~537.~~ The March 4 guidance also provided that "diversity supplements" would be canceled and not issued going forward. Diversity Supplements are grants meant to increase diversity in the scientific profession by providing training, mentorship and career development opportunities to individuals from underrepresented populations. In recent notices of funding opportunity, NIH has defined diversity broadly, to include not only "[i]ndividuals from racial and ethnic groups that have been shown by the [National Science Foundation] to be underrepresented in health-related sciences on a national basis," but also "[i]ndividuals with disabilities," and "[i]ndividuals from disadvantaged backgrounds," including those who

have experienced homelessness, who were in foster care, who experienced poverty, or who are from rural areas.²⁰²

544. 538. By March 13, the list of scientific research disfavored by the Administration had grown to include yet another topic—vaccine hesitancy—and NIH’s termination of awarded grants grew dramatically. On March 13, 2025, Michelle Bulls, NIH’s Chief Grants Management Officer, instructed the individual institutes on how to issue termination letters, and on what bases. Ms. Bulls instructed that termination letters should include the following language: “It is the policy of NIH not to prioritize [insert termination category language]. Therefore, this project is terminated.” The termination category language that Ms. Bulls provided included terminations for a program’s relation to DEI, gender, and vaccine hesitancy. Hundreds of NIH grants were terminated in the ensuing days.²⁰³

545. ~~539.~~ On information and belief, on or before March 19, 2025, the Office of Extramural Research and the Office of Policy for Extramural Research Administration provided additional guidance on how ICs should process grant terminations and communicate with grant recipients regarding such terminations. Included in these instructions was the instruction to speak only of “changes in NIH and/or HHS priorities” and an instruction to “not refer to any Executive Orders.”

546. ~~540.~~ On March 25, 2025, NIH again distributed updated guidance on grant terminations—yet again expanding the list of politically disfavored subject matters. The language for grant terminations continued to include language on DEI, transgender issues, and vaccine hesitancy, but now included yet another topic—COVID-19. As to COVID, the guidance stated that: “The end of the pandemic provides cause to terminate COVID-related grant funds. These grant funds were issued for a limited purpose: to ameliorate the effects of the pandemic. Now that the pandemic is over, the grant funds are no longer necessary.”

²⁰² NIH, PA-20-222: *Research Supplements to Promote Diversity in Health-Related Research*, , <https://grants.nih.gov/grants/guide/pa-files/pa-20-222.html>.

²⁰³ U.S. Dep’t of Health & Human Servs., *HHS Grants Terminated* (Aug. 22, 2025), <https://taggs.hhs.gov/Content/Data/HHS%20Grants%20Terminated.pdf>.

1 547. 541. By May, HHS's database of grant terminations revealed that it had
 2 terminated 104 grants to UC recipients.²⁰⁴ A study published on May 8, 2025 identified UCSF
 3 as being particularly hard-hit by HHS grant terminations.²⁰⁵

4 548. 542. On June 23, HHS and NIH were ordered in *National Institutes of*
 5 *Health v. American Public Health Association*, No. 25-cv-10787 (D. Mass. June 23, 2025)
 6 and *Massachusetts v. Kennedy*, No. 25-cv-10814 (D. Mass. June 23, 2025) to restore NIH
 7 grants that had been terminated. HHS and NIH subsequently began restore certain NIH grants
 8 listed in those actions.

9 549. 543. On July 31, 2025, HHS and NIH engaged in a new round of mass
 10 grant terminations against UC researchers at the University of California, Los Angeles
 11 (“UCLA”). In this new action, via a single form letter and styled as a “suspension” by the
 12 agencies, HHS and NIH terminated close to 500 NIH grants to UC researchers.

13 550. 544. In a July 31, 2025 letter to the Chancellor of UCLA, NIH stated
 14 that it was “suspending” grants to UCLA for the following three reasons:

- 15 a. “UCLA engages in racism, in the form of illegal affirmative action;”
- 16 b. “UCLA fails to promote a research environment free of antisemitism and
 bias;”
- 17 c. “UCLA discriminates against and endangers women by allowing men in
 women’s sports and private women-only spaces.”

20 551. 545. By terminating grants to UC researchers at the direction of the
 21 President and DOGE, HHS has violated its congressional mandates. Such mandates include,
 22 for example, compliance with and effectuation of the legislative purposes implicit in

25 ²⁰⁴ U.S. Dep’t of Health & Human Servs., *HHS Grants Terminated* (Aug. 22, 2025),
 https://taggs.hhs.gov/Content/Data/HHS_Grants_Terminated.pdf.

26 ²⁰⁵ Michael Liu et al., *Characterization of Research Grant Terminations at the National*
Institutes of Health, JAMA Network (May 8, 2025),
 https://jamanetwork.com/journals/jama/fullarticle/2833880?guestAccessKey=3a432109-6c9d-
 4ef2-9d10-
 bf48d91fe441&utm_source=for_the_media&utm_medium=referral&utm_campaign=ftm_links&
 utm_content=tfl&utm_term=050825.

1 congressional appropriations; spending required by 42 U.S.C. § 241; and directives to HHS
 2 subunits.

3 552. ~~546.~~ HHS's mass grant terminations have caused serious harm to UC
 4 researchers, including those who received grants through HHS's subunits: NIH, the Centers
 5 for Disease Control (CDC), and the Food and Drug Administration (FDA).

6 553. ~~547.~~ The CDC has terminated at least one grant awarded to a UC
 7 Berkeley Biostatistician/Epidemiologist for a project titled "Strengthening California's Public
 8 Health Workforce to Improve Decision Making and Health Equity Through Advanced
 9 Training and Academic Partnership."

10 554. ~~548.~~ On information and belief, HHS and its subunits have effectuated
 11 mass terminations of grants to UC researchers without proper review or clear explanation,
 12 thereby acting unconstitutionally and unlawfully.

13 **3. NIH Plaintiffs and Other Grant Recipients Are Harmed by NIH's**
Illegal Grant Terminations.

14 555. ~~549.~~ Plaintiffs and Class members have long relied on NIH grants to
 15 fund meritorious projects aimed at advancing public health and well-being. The termination of
 16 previously approved grants has caused and continues to cause Plaintiff and Class members
 17 serious harm.

18 a. **Plaintiff Marcus A. Horwitz's Grant Termination and**
Resulting Harm

19 556. ~~550.~~ Dr. Marcus A. Horwitz is a Distinguished Professor of Medicine
 20 and Microbiology, Immunology, and Molecular Genetics at the University of California, Los
 21 Angeles (UCLA). He researches the immunobiology of various diseases, including
 22 tuberculosis, and develops treatment regimens, vaccines, and antibiotics to combat them.
 23 Additionally, he currently serves as a fellow in the Infectious Diseases Society of America
 24 and is a member of the American Society for Clinical Investigation.

25 557. ~~551.~~ Dr. Horwitz's research focuses on (1) the immunobiology of the
 26 disease components of Legionnaires' disease, leprosy, tuberculosis, and tularemia; (2)
 27 developing vaccines against those diseases; and (3) developing an ultra-short drug treatment

regimen for treating tuberculosis. In recognition of his accomplishments, he was awarded the Oswald Avery (formerly Squibb) award for the Infectious Diseases Society of America and was elected to a Fellowship in the American Association for the Advancement of Science.

558. ~~552.~~ Dr. Horwitz's research has been funded by research grants from governmental and private sources, including 34 research grants from NIH.

NIH TB Vaccine Grant Application and Award

559. ~~553.~~ Dr. Horwitz submitted a grant application to NIH as a Principal Investigator for a project titled “Optimization and Advanced Proof-of-Concept Studies of a Listeria-vectored Multi-Antigenic Vaccine against Tuberculosis” (hereafter, the “TB Vaccine Project”). The grant project addressed the potential to develop a safer and more effective vaccine and booster vaccine against tuberculosis. The purpose of the project was to optimize and conduct advanced proof-of-concept studies in small animals and non-human primates of a second generation vaccine against tuberculosis.

560. 554. On November 29, 2017, NIH issued a Notice of Award and the Grant Agreement. The Notice of Award authorized funding for five years of work on the Tuberculosis Vaccine Project, from December of 2017 through November of 2022, for a total award of \$5,424,173.

561. ~~555.~~ NIH issued further Notices of Award for the Tuberculosis Vaccine Project, authorizing continued funding in November 2018, December 2019, and November 2020. The project's work with primates was delayed during COVID-19, so the project received three No-Cost Time Extensions. The Project's end date was revised to November 30, 2025.

NIH Termination of TB Vaccine Grant Award

562. ~~556.~~ On August 1, 2025, Dr. Horwitz received an email from UCLA's Office of Contract and Grant Administration instructing him to stop work on the Tuberculosis Vaccine Project as a result of NIH's July 31 grant suspension action against UCLA. The suspension of the project suspended approximately \$143,594 in unfunded award still outstanding to complete the Tuberculosis Vaccine Project's work.

1 563. 557. As a result of this unilateral, unlawful termination, Dr. Horwitz
 2 has been unable to uncover the extent to which the vaccine worked. Despite having completed
 3 the live-animal component of the final definitive proof-of-concept vaccine study in non-
 4 human primates, Dr. Horwitz is unable to proceed with analyzing the results of the study to
 5 determine the correlation of vaccine function.

6 564. 558. Without completing his analysis of the study results, Dr. Horwitz
 7 is prevented from engaging in the next phase of his TB vaccine research: taking the vaccine
 8 into clinical trials. Dr. Horwitz's inability to do so impacts his career and substantially delays
 9 the development of a potent tuberculosis vaccine for which the primary purpose is to boost the
 10 immunity of the approximately 5 billion people in the world previously vaccinated with the
 11 previous vaccine and in whom most tuberculosis cases in the world develop.

12 565. 559. The project team's inability to complete the work and publish it
 13 also hinders the career of a project scientist in Dr. Horwitz's laboratory who developed the
 14 vaccine and the careers of their collaborators at the Texas Biomedical Research Institute.

15 NIH Latent TB Treatment Grant Application and Award

16 566. 560. Dr. Horwitz submitted a grant application to the NIH as a
 17 Principal Investigator for the project titled "Efficacy and Safety of AI-enabled PRS Regimen
 18 VI (Clofazimine, Bedaquiline and Pyrazinamide) as Ultra-Short Course Therapy of LTBI in
 19 Non-Human Primates in a Setting Mimicking HIV co-infection" (hereafter, the "Latent TB
 20 Treatment Project").

21 567. 561. The project's goal was to examine a short-term three-drug
 22 treatment regimen for latent tuberculosis infection ("LTBI"), leveraging artificial intelligence
 23 platforms to determine whether the treatment prevents reactivation of tuberculosis.
 24 Approximately 2 billion people on earth are infected but do not develop an active disease
 25 immediately, instead reactivating tuberculosis later in life in tandem with some form of
 26 immunocompromised status. Current treatments are long and burdensome, which negatively
 27 impacts treatment completion. This study was intended to pave the way towards a much
 28 shorter regimen that would eventually eliminate latent tuberculosis and tuberculosis itself.

1 568. ~~562.~~ On February 27, 2024, NIH issued a Notice of Award and the
 2 Grant Agreement. The Notice of Award authorized funding for three years of work from
 3 March 2024 through January 2027. The NIH's initial Notice of Award was superseded by a
 4 revised Notice of Award sent on May 30, 2024, which provided for total funding of
 5 \$2,798,273 during the project period. NIH issued a further Notice of Award for the Latent TB
 6 Treatment Project, authorizing continued funding in February 2025.

7 NIH Termination of Latent TB Treatment Grant Award

8 569. ~~563.~~ On August 1, 2025, Dr. Horwitz received an email from UCLA's
 9 Office of Contract and Grant Administration instructing him to stop work on the Latent TB
 10 Treatment Project as a result of NIH's July 31 grant suspension action against UCLA. The
 11 suspension of the project suspended approximately \$2,333,898 in unfunded award still
 12 outstanding to complete the Latent TB Treatment Project's work.

13 570. ~~564.~~ As a result of this unilateral, unlawful termination, Dr. Horwitz is
 14 unable to support the salary components of collaborating individuals at the Subaward site
 15 Texas Biomedical Research Institute, including two leading collaborating co-investigators, a
 16 Staff Scientist, a Post-doctoral fellow, and two technicians. Despite making impressive
 17 headway performing initial work on the pharmacodynamics and pharmacokinetics of the
 18 treatment drugs, Dr. Horwitz is unable to complete the work in collaboration with another
 19 collaborating co-investigator and specialist in this area at another collaborating institution.

20 571. ~~565.~~ The premature termination of this grant has also foreclosed Dr.
 21 Horwitz's ability to begin the critical study using already selected primates to uncover if the
 22 drug regimen has efficacy against latent tuberculosis.

23 572. ~~566.~~ These losses are in addition to the loss of value to the public from
 24 Dr. Horwitz's research team's inability to revolutionize treatment of people with latent
 25 tuberculosis worldwide, of which there are approximately 2 billion, and in whom tuberculosis
 26 can reactivate at any point in their lives if not properly treated.

27 NIH T7SS Drug Project Grant Application and Award

28

1 573. ~~567.~~ Dr. Horwitz submitted a grant application to the NIH as a
 2 Principal Investigator for the project titled “Identification by High Throughput Screening of
 3 Inhibitors of the Mycobacterium tuberculosis ESX-1 and ESX-5 Type VII Secretion Systems
 4 – critical virulence determinants and novel drug targets” (hereafter, the “T7SS Drug Project”).

5 574. ~~568.~~ The goal of the T7SS Drug project was to identify promising lead
 6 compounds with the highest therapeutic ratio and study them to potentially develop a new
 7 class of antibiotics to treat tuberculosis. With approximately 10.6 million active cases and 1.3
 8 million deaths a year, better drugs are urgently needed to shorten the burdensomely long
 9 treatment course and to combat the emergence of new tuberculosis causative agents that are
 10 drug resistant.

11 575. ~~569.~~ On July 17, 2025, NIH issued a Notice of Award, authorizing
 12 grant funding for the T7SS Project. The Notice of Award authorized funding for two years of
 13 work on the project, from July 2025 through June 2027, for a total award of \$433,125.

14 NIH Termination of T7SS Drug Project Grant Award

15 576. ~~570.~~ On August 1, 2025, Dr. Horwitz received an email from UCLA’s
 16 Office of Contract and Grant Administration instructing him to stop work on the T7SS Drug
 17 Project as a result of NIH’s July 31 grant suspension action against UCLA. The suspension of
 18 the project suspended approximately \$429,518 in unfunded award still outstanding to
 19 complete the T7SS Drug Project’s work.

20 577. ~~571.~~ The premature termination of this grant means that Dr. Horwitz is
 21 unable to carry out the high throughput screens of molecules for their capacity to inhibit the
 22 T7SS of Mycobacterium tuberculosis, the causative agent of tuberculosis. Without this, Dr.
 23 Horwitz is prevented from discovering new drugs to treat this very important infectious
 24 disease, which kills more people than any other infectious agent and is rapidly developing
 25 resistance to currently available drugs.

26 578. ~~572.~~ As a result of this unilateral, unlawful termination, Dr. Horwitz is
 27 unable to continue to support the salary component of several people in his laboratory. This
 28 includes himself, a co-investigator Professor, a co-investigator Project Scientist, and a

1 collaborating co-investigating Professor in the high throughput screening facility and his
 2 Research Associate.

3 579. ~~573.~~ These allegations are detailed and supported, with relevant
 4 documentation, in the Declaration of Dr. Marcus A. Horwitz, filed in this action.

5 **b. Plaintiff Alexander Van Der Bliek's Grant Termination and**
 6 **Resulting Harm**

7 580. ~~574.~~ Dr. Alexander van der Bliek is a Professor of Biological
 8 Chemistry at UCLA who examines the role of mitochondria in neurodegenerative diseases.
 9 For the past two decades he has also served as a regular member and temporary member of
 10 multiple NIH study sections; these expert bodies decide which grant applications get funded.

11 581. ~~575.~~ Dr. van der Bliek's research focuses on the role that mitochondria
 12 serves in neurodegenerative diseases such as Alzheimer's and peripheral neuropathies
 13 (diseases that damage nerves outside the brain and spinal cord, causing chronic pain, tingling,
 14 and other symptoms). Having discovered the molecular basis of mitochondrial fission, which
 15 is essential for both cell survival and cell death, Dr. van der Bliek has continued research on
 16 mitochondrial dynamics that may illuminate mechanisms for many diseases that pose an
 17 enormous societal disease burden. His work is particularly recognized for its relevance to
 18 neurodegenerative diseases and conditions with high energy demands, including cancer and
 19 diabetes.

20 582. ~~576.~~ In recognition of his research, Dr. van der Bliek has been honored
 21 with a fellowship with EMBO (an international membership organization promoting
 22 excellence in the life sciences) and HFSPO (the Human Frontiers of Science Organization),
 23 and a five-year role as Research Scholar at the American Cancer Society.

24 583. ~~577.~~ Dr. van der Bliek's research has been supported by multiple NIH
 25 Grants, as well as grants from non-governmental agencies.

26 **Grant Application to NIH**

27 584. ~~578.~~ On April 29, 2020, Dr. van der Bliek submitted an Application for
 28 Federal Assistance to the NIH's National Institute of Neurological Disorders and Stroke

1 (NINDS). The project, for which Dr. van der Bliek was identified as Project Director and
 2 Principal Investigator, was titled “Control of Calcium Flux and Mitochondrial Fission by the
 3 Charcot Marie Tooth Disease Protein Mfn2” (the “R01 Application”).

4 585. 579. The proposal aimed to research the underlying causes of Charcot-
 5 Marie-Tooth (CMT) disease. CMT is an inherited condition that damages the nerves
 6 controlling movement and sensation. In the study, Dr. van der Bliek sought to study how
 7 mutations in a protein called Mfn2 affect the way mitochondria, the cell’s “power plants,”
 8 divide. Because the process is closely tied to nerve cell health, Dr. van der Bliek’s research
 9 may help explain what causes CMT and point toward new ways to treat it. In addition to
 10 funding Dr. van der Bliek, the proposal would fund salaries for one lab technician and two
 11 postdoctoral researchers, as well as funding supplies, research costs, travel, and publishing.

12 586. 580. NIH issued a Notice of Award, authorizing grant funding for Dr.
 13 van der Bliek’s CMT research project. The Notice of Award authorized funding for five years
 14 of work on the project, from January 2021 through December 2025, for a total award of
 15 \$2,243,240.

16 587. 581. Dr. van der Bliek received his most recent Notice of Award Action
 17 from UCLA grant administrators on January 10, 2025, informing him that he was to receive
 18 the last installment of the grant (\$342,488) to sustain the project’s final year.

19 NIH Grant Termination

20 588. 582. On August 1, 2025, Dr. van der Bliek received an email from
 21 UCLA administrators instructing him to stop work on his NIH grant as a result of NIH’s July
 22 31 grant suspension action against UCLA.

23 589. 583. As a result of this unilateral, unlawful grant termination, Dr. van
 24 der Bliek is unable to capitalize on new insights from his research into the root causes of
 25 hereditary neuropathies. This research opens promising directions for future therapies for
 26 these often debilitating disorders. HE is also unable to further explore an important,
 27 unexpected research result: revelation of certain toxic cellular mechanisms linked to brain
 28 diseases such as Alzheimer’s and frontotemporal dementia.

1 590. ~~584.~~ Dr. van der Bliek is also no longer able to purchase supplies for
 2 his experiments and will have to soon let his staff go for lack of University support. With
 3 research in his lab grinded to a halt, Dr. van der Bliek will have to spend significant time to
 4 identify new postdocs to work with him as collaborators and wait for them to complete their
 5 PhD training if he were even able to identify new sources of funding. To do so, Dr. van der
 6 Bliek would have to close down the lab due to considerable delay, losing a large amount of
 7 exciting new data.

8 591. ~~585.~~ The premature termination of this grant also means that the
 9 postdocs working with Dr. van der Bliek will be unable to complete their projects and publish
 10 associated papers. These postdocs are highly specialized, having trained for years in this area.
 11 A gap in publications resulting from layoffs will make them far less desirable in the job
 12 market and potentially make them unemployable. The field as a whole will suffer from the
 13 loss of these promising researchers. This will have an enduring adverse impact on research in
 14 Dr. van der Bliek's subfield of biological chemistry.

15 592. ~~586.~~ These harms are in addition to the loss of value to the public from
 16 Dr. van der Bliek's research team's inability to complete work on the root causes of
 17 hereditary neuropathies that would help advance public understanding of neurodegenerative
 18 and metabolic diseases, including Parkinson's, Alzheimer's, diabetes, and cancer.

19 593. ~~587.~~ These allegations are detailed and supported, with relevant
 20 documentation, in the Declaration of Dr. Alexander van der Bliek, filed in this action.

21 c. **Plaintiff Rhonda Voskuhl's Grant Termination and Resulting**
 22 **Harm**

23 594. ~~588.~~ Dr. Rhonda Voskuhl is a Professor of Neurology at the UCLA
 24 School of Medicine, who examines how sex hormones and sex chromosomes cause sex
 25 differences in the onset and severity of neurodegenerative diseases. She currently holds the
 26 Jack. H. Skirball Chair and has served as the Director of the UCLA Multiple Sclerosis
 27 Program since 2000. Dr. Voskuhl is also a Faculty Neurologist for the UCLA Comprehensive
 28 Menopause Care Program.

1 595. ~~589.~~ Dr. Voskuhl's research focuses on (1) determining how sex
 2 hormones and sex chromosomes cause sex differences in the onset and severity of
 3 neurodegenerative diseases and (2) investigating the role of brain aging on neurodegeneration,
 4 identifying a sex hormone by age interaction whereby being estrogen deficient and midlife
 5 combine to induce cognitive decline, dorsal hippocampal atrophy, glial activation, and
 6 synaptic loss. The goal of Dr. Voskuhl's research is to use a brain region-specific, cell-
 7 specific, and sex-specific approach to identify neuroprotective treatment targets, then design
 8 clinical trials to repair neurodegeneration that are optimally tailored for sex and age. In
 9 recognition of her research, Dr. Voskuhl was most recently awarded the John Dystel Prize in
 10 Multiple Sclerosis, 2024, from the American Academy of Neurology and the National MS
 11 Society, the most prestigious award in the field of MS. In addition to numerous national and
 12 international awards, Dr. Voskuhl was also awarded the Rachel Horne Prize for Women's
 13 Research in Multiple Sclerosis, 2023, from the European and American Committees for
 14 Treatment and Research in MS.

15 596. ~~590.~~ Dr. Voskuhl's research has been supported by governmental and
 16 private sources, including research grants from NIH.

17 Grant Application to the NIH

18 597. ~~591.~~ On July 8, 2022, Dr. Voskuhl submitted a grant application to the
 19 NIH for a project titled "Neurodegeneration Underlying Distinct Disabilities in Multiple
 20 Sclerosis Using a Cell-Specific, Region-Specific, and Sex-Specific Approach" (the "R35
 21 Application"). The R35 application aimed to (1) extend the cell-specific and region-specific
 22 transcriptomics in astrocytes and oligodendrocytes to microglia and neurons, with cell to cell
 23 interactions revealed in mice double-labelled to show gene expression changes in two distinct
 24 cell types in the same region in the same mouse, and (2) determine if there are effects of sex
 25 and/or age on the most differentially expressed cell-specific and region-specific pathways.
 26 The R35 proposal would take Dr. Voskuhl's research to the next level: identifying sex by age
 27 interactions in cell-specific and region-specific transcriptomics, neuropathology, and
 28 substructure atrophy on MRI. In doing so, the project would discover neurodegenerative

1 targets optimized for each disability in MS models in females and males during young
 2 adulthood and aging. Dr. Voskuhl was the Project Director and Principal Investigator on the
 3 grant proposal, which included four co-investigators, one graduate student, one senior lab
 4 technician, and one MRI lab technician.

5 598. ~~592.~~ The grant Application requested funding commensurate with the
 6 8-year budget of \$7,307,976 from April 2023 to March 2031.

7 NIH's Grant Award

8 599. ~~593.~~ On May 8, 2023, NIH issued a Notice of Award, approving the
 9 R35 Application. The Agreement authorized the proposal for an amount of \$876,448 for the
 10 5/15/2023-4/30/2024 budget period, and additional awards of \$913,497 for the next seven
 11 years. NIH approved continuing funding for the R35 Project in each of the subsequent years.

12 NIH's Grant Termination

13 600. ~~594.~~ On August 1, 2025, Dr. Voskuhl received from UCLA's research
 14 administrators a "Stop Work Notice" for the R35 Grant Award as a result of NIH's July 31
 15 grant suspension action against UCLA.

16 601. ~~595.~~ As a result of this unilateral, unlawful termination, Dr. Voskuhl is
 17 unable to purchase supplies for her experiments. Dr. Voskuhl will soon have to let her staff go
 18 for lack of University support and research in her lab will stop.

19 602. ~~596.~~ Dr. Voskuhl's co-investigators, who have highly specialized
 20 training but are more junior in their careers, will be harmed by a gap in publications, which
 21 will negatively impact their career progression and ability to secure future funding for their
 22 research. A pause in Dr. Voskuhl's research negatively impacts her subfield of neurology.
 23 The team will be unable to share their research findings at conferences and in scientific
 24 publications. In addition, Dr. Voskuhl is training the next generation of MS researchers,
 25 including young faculty, postdoctoral fellows, graduate students and undergraduates. The
 26 future of MS research will be harmed by an indefinite pause in training.

27 603. ~~597.~~ These harms are in addition to the loss of value to the public from
 28 Dr. Voskuhl's research team's inability to complete work on new insights into the molecular

1 basis for disability-specific disease progression in MS. Their research had already generated
 2 new insights that are indefinitely paused. Multiple sclerosis affects nearly one million people
 3 in the United States. Work supported by Dr. Voskuhl's grant is aimed at developing novel
 4 treatments targeting cells and processes within the central nervous system to confer
 5 neuroprotection and repair disabilities for MS patients. Dr. Voskuhl's research would also
 6 have helped advance public understanding of neurodegenerative conditions and autoimmunity
 7 and how sex differences can affect disease and treatment. NIH's withheld funding threatens
 8 the loss of research discoveries and treatment for MS patients.

9 604. ~~598.~~ These allegations are detailed and supported, with relevant
 10 documentation, in the Declaration of Dr. Rhonda Voskuhl, filed in this action.

11 **G. The Department of Energy**

12 **1. Congress created the Department of Energy to promote energy**
 13 **research, innovation, and conservation; to promote U.S. energy**
 14 **independence; and to develop alternatives to fossil fuels.**

15 605. The Department of Energy (“DOE”) is an executive department of the
 16 U.S. Federal Government that oversees the United States’ national energy policy and energy
 17 production, the research and development of nuclear power, the military’s nuclear weapons
 18 program, nuclear reactor production for the United States Navy, energy related research, and
 19 energy conservation. The DOE was created in 1977 in the aftermath of the 1973 oil crisis. In
 20 1977, President Jimmy Carter signed into law the Department of Energy Organization Act
 21 which established the Department of Energy. President Carter proposed the Department of
 22 Energy with the goal of promoting energy conservation and energy independence, and
 23 developing alternative sources of energy to reduce the use of fossil fuels.

24 **2. In Response to Trump Administration Directives, DOE Improperly**
 25 **Changed Priorities and Canceled Existing Grants**

26 606. DOE quickly began department-wide restructuring pursuant to Trump
 27 orders. On February 5, 2025, the Secretary of Energy announced that DOE would “take
 28 immediate action . . . in accordance with President Trump’s executive orders.”²⁰⁶

28 ²⁰⁶ Chris Wright, Unleashing the Golden Era of American Energy Dominance, U.S. Dep’t of
 29 Energy (Feb. 5, 2025), https://www.energy.gov/articles/secretary-wright-acts-unleash-golden-era-

1 607. By early spring 2025, DOE began implementing Defendant Trump's
 2 orders with help from DOGE. In a May 2025 press release, DOE announced that it was
 3 appointing the then-current head of DOGE at DOE, Carl Coe, as its new Chief of Staff. The
 4 press release specified that Coe "has worked closely with Secretary Wright" in order to
 5 effectuate "process improvement and cost savings," or what DOE referred to as "DOGE
 6 efforts."²⁰⁷

7 608. In April 2025, DOE instituted a 15% cap on indirect costs for
 8 university research grants, even while acknowledging that "many grant recipients use indirect
 9 cost payments to effectuate research funded by the Department's grant awards." This action
 10 was taken to "deliver[] on President Trump's commitment" to slash research grants.²⁰⁸ In May
 11 2025, a federal district court in Massachusetts preliminarily enjoined DOE's imposition of
 12 this rate cap on the ground that it was arbitrary and capricious and in likely violation of
 13 federal law.²⁰⁹

14 609. On May 15, 2025, Secretary Wright issued a Secretarial Memorandum
 15 titled: "Secretarial Policy on Ensuring Responsibility for Financial Assistance."²¹⁰ The memo
 16 announced that DOE would be reviewing prior funding awards to ensure they are "consistent
 17 with . . . this Administration's policies and priorities." It also announced an intent to
 18 terminate projects.

19 610. DOE stated its review would begin by reviewing 179 awards that
 20 totaled over \$15 billion, and would then extend to other awards.²¹¹

21 american-energy-dominance.

22 ²⁰⁷ U.S. Dep't of Energy, DOE Announces New Leadership to Tackle Challenges of Growing
 23 Energy Demand (May 2, 2025), <https://www.energy.gov/articles/doe-announces-new-leadership-tackle-challenges-growing-energy-demand>.

24 ²⁰⁸ U.S. Dep't of Energy, Department of Energy Overhauls Policy on College and University
 25 Research, Saving \$405 Million Annually for American Taxpayers (Apr. 11, 2025),
<https://www.energy.gov/articles/department-energy-overhauls-policy-college-and-university-research-saving-405-million>.

26 ²⁰⁹ Ass'n of Am. Univs. v. Dep't of Energy, 789 F.Supp.3d 118, (D. Mass. 2025).

27 ²¹⁰ Chris Wright, Secretarial Policy on Ensuring Responsibility for Financial Assistance, EXEC-2025-005990, U.S. Dep't of Energy (May 14, 2025),
[https://www.energy.gov/sites/default/files/2025-05/EXEC-2025-005990%20-%20Secretarial%20Policy%20-PRP%20-%205-14-25%20\(FINAL\)%20\(2\).pdf](https://www.energy.gov/sites/default/files/2025-05/EXEC-2025-005990%20-%20Secretarial%20Policy%20-PRP%20-%205-14-25%20(FINAL)%20(2).pdf).

28 ²¹¹ U.S. Dep't of Energy, Secretary Wright Announces New Policy for Increasing Accountability,

1 611. On October 2, 2025, DOE announced the termination of 321 awards
 2 supporting 223 projects that totaled over \$7.56 billion. In a press release, Secretary Wright
 3 explained that “[o]n day one, the Energy Department began the critical task of reviewing
 4 billions of dollars in financial awards[. . .]” in an effort to deliver on President Trump’s
 5 promise “to protect taxpayer dollars and expand America’s supply of affordable, reliable, and
 6 secure energy.”²¹² In that same press release, DOE foreshadowed more terminations: “Rest
 7 assured, the Energy Department will continue reviewing awards to ensure that every dollar
 8 works for the American people.”²¹³

9 **3. DOE Terminates Funding to Awardees Exclusively in “Blue” States**

10 612. In the days and weeks leading up to a possible lapse in appropriations
 11 at the end of September 2025, President Trump threatened to retaliate against congressional
 12 Democrats and their voters should they not agree to fund the government on the President’s
 13 terms. For instance, on September 30, President Trump told reporters: “We can do things
 14 during the shutdown that are irreversible, that are bad for them and irreversible by them, like
 15 cutting vast numbers of people out, cutting things that they like, cutting programs that they
 16 like.”²¹⁴

17
 18
 19
 20
 21
 22
 23
 24 *Identifying Wasteful Spending of Taxpayer Dollars* (May 15, 2025),
 25 <https://www.energy.gov/articles/secretary-wright-announces-new-policy-increasing-accountability-identifying-wasteful>.

26 212 U.S. Dep’t of Energy, *Energy Department Announces Termination of 223 Projects, Saving Over \$7.5 Billion* (Oct. 2, 2025), <https://www.energy.gov/articles/energy-department-announces-termination-223-projects-saving-over-75-billion>.

27 213 *Id.*

28 214 Ricard Cowan, et al., *Trump Warns Democrats of “Irreversible” Actions in Government Shutdown*, Yahoo News (Sept. 30, 2025), <https://www.yahoo.com/news/articles/trump-warns-democrats-irreversible-actions-223432584.html> [https://perma.cc/UVV3-MXKS].

1 613. DOE and the Office of Management and Budget (“OMB”) made good
 2 on that threat the very first day of the shutdown. On October 1, the Director of OMB,
 3 Defendant Russell Vought, announced on X:

4  **(Added)** **vought**  
 5 @russvought

...
 6 Nearly \$8 billion in Green New Scam funding to fuel the Left's climate
 7 agenda is being cancelled. More info to come from @ENERGY.

8 The projects are in the following states: CA, CO, CT, DE, HI, IL, MD, MA,
 9 MN, NH, NJ, NM, NY, OR, VT, WA

10 2:09 PM · Oct 1, 2025 · 6.1M Views

11 614. In all sixteen states listed by Vought where projects were terminated, the
 12 citizens of that state voted for Vice President Harris over President Trump in the 2024 election.
 13 And in all sixteen states, the citizens of that state currently have elected two Senators who caucus
 14 with the Democratic party. Vought’s post thus openly flaunted that, in terminating DOE awards,
 15 the administration targeted states associated with the opposition party.

16 615. The data unmistakably confirms that Defendants targeted DOE grants for
 17 termination in October 2025 based on the political views of the citizens of the state associated
 18 with the grant.

19 616. On information and belief, on or around October 1, 2025, Defendants
 20 transmitted to members of Congress a list of the 321 awards slated for termination. That list was
 21 made public in various news reports.²¹⁵

22 617. The website usaspending.gov contains authoritative information on every
 23 grant awarded by DOE and other agencies, including the address on file of each awardee and the
 24 primary place of performance of each award.

25 618. Of the 321 awards, six were terminated prior to October, and one was
 26 awarded to an awardee in Canada. For the remaining 314 awards, and for 100% of them, the

27 ²¹⁵ See, e.g., Maeve Allsup, *Scoop: These Are the 321 Awards DOE Is Canceling*, Latitude Media
 28 (Oct. 2, 2025), <https://www.latitude.media.com/news/scoop-these-are-the-321-awards-doe-is-canceling/> [<https://perma.cc/B9F7-483X>].

1 grantee's address on file with the federal government is in a state that voted for the President's
 2 opponent in the 2024 election and has two Democratic-caucusing Senators.

3 619. In addition, the primary place of performance for 314 of the 321 awards
 4 slated for termination (i.e., 98%) was a state that voted for Vice President Harris and has two
 5 Democratic- caucusing Senators.

6 620. According to public reporting, DOE had originally sent a broader list of
 7 more than 600 awards to OMB for potential termination.²¹⁶ The broader list included awards to
 8 grantees based in states throughout the country, including Arizona, Indiana, Florida, Ohio,
 9 Louisiana, North Carolina, North Dakota, Oklahoma, South Carolina, Tennessee, Texas, Utah,
 10 West Virginia, and Wisconsin—all of which voted for President Trump in the 2024 election.²¹⁷
 11 But Defendants did not terminate *any* awards to grantees located in those states in October 2025.
 12 Instead, according to one energy lobbyist (and as the evidence demonstrates), “they basically just
 13 pulled out most, if not all, blue state projects, and that’s what they announced as cuts.”²¹⁸

14 621. Even in programs where awards were made across all 50 states, such as the
 15 Grid Resilience and Innovation Partnership program, only projects in states that voted for Vice
 16 President Harris were cancelled in October 2025, while similar projects in states that voted for
 17 President Trump were not.

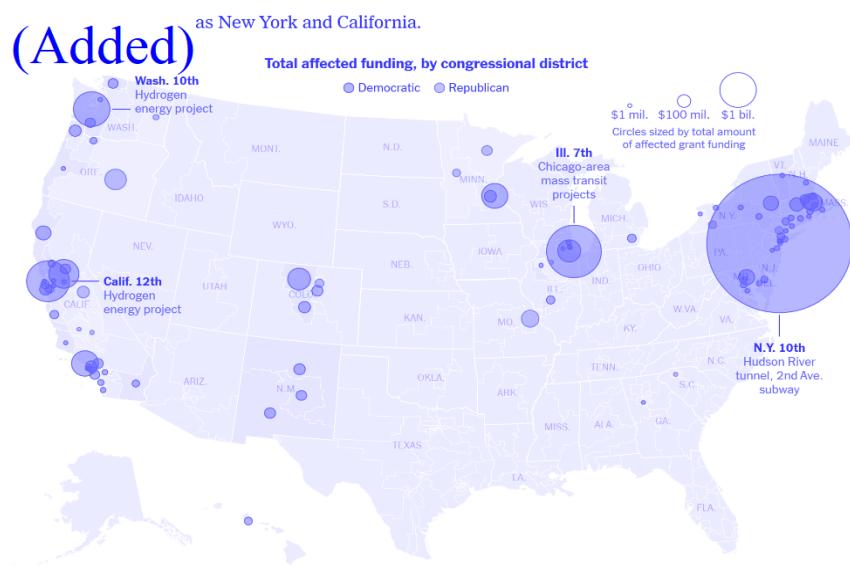
18 622. DOE terminated 79 projects in California alone, totaling more than \$2
 19 billion in federal funding. One of the projects would have provided backup battery power for a
 20 children’s hospital in Madera, California.

21
 22
 23
 24
 25
 26 ²¹⁶ Brian Dabbs, et al., *DOE Floats New Cuts to Hundreds of Clean Energy Grants*, E&E News
 27 (Oct. 7, 2025), <https://www.eenews.net/articles/doe-floats-new-cuts-to-hundreds-of-clean-energy-grants/> [<https://perma.cc/5B76-VGQP>].

28 ²¹⁷ *Id.*, https://www.latitudemedia.com/wp-content/uploads/2025/10/FILE_6460.pdf (list of
 awards) [<https://perma.cc/GA87-D96M>].

²¹⁸ Dabbs, *supra*, n. 216.

1 623. DOE's October 2025 termination of awards in states that voted against the
 2 President was a part of the administration's broader efforts to harm such states since the
 3 shutdown. As of October 14, the administration had "frozen or canceled nearly \$28 billion that
 4 had been reserved for more than 200 projects primarily located in Democratic-led cities,
 5 congressional districts, and states."²¹⁹ An analysis by the New York Times showed that the vast
 6 majority of funding cuts during the shutdown have been to grantees in states—and even
 7 congressional districts—that have recently voted for Democrats, especially in New York,
 8 California, and Chicago.²²⁰



19 4. **DOE Plaintiffs and Other Grant Recipients Are Harmed by DOE's**
 20 **Illegal Grant Terminations**

21 624. DOE is one of the largest funders of UC research. UC researchers have
 22 been or will be seriously harmed by DOE's imminent grant terminations.

23 625. DOE's October 2025 grant terminations adversely impacted 21 Full-
 24 Time-Equivalent UC personnel who can fairly be described as Principal Investigators or

26

²¹⁹ Tony Romm & Lazaro Gamio, *Trump Targets Democratic Districts by Halting Billions*
 27 *During Shutdown*, N.Y. Times (Oct. 14, 2025),
 28 <https://www.nytimes.com/interactive/2025/10/14/us/trump-grants-democrat-districts-government-shutdown.html>

²²⁰ *Id.*

1 principal researchers at work on projects other than the ARCHES project, described below.

2 The terminations also impacted 29 UC research personnel involved with ARCHES.

3 626. By terminating or imminently terminating grants to UC researchers at
 4 the direction of the President and DOGE, DOE has violated its congressional mandates. Such
 5 mandates include, for example, compliance with and effectuation of the legislative purposes
 6 implicit in congressional appropriations.

7 627. By effectuating mass terminations of grants to UC researchers without
 8 proper review or clear explanation, DOE acted unconstitutionally and unlawfully as set forth
 9 in the Claims for Relief asserted below.

10 **a. Plaintiff Plamen Atanassov's Grant Terminations and Resulting**
 11 **Harm**

12 628. Plaintiff Plamen Atanassov is the Chancellor's Professor of Chemical
 13 & Biomolecular Engineering at the University of California Irvine ("UCI"). He holds a
 14 joint/courtesy appointment in Materials Science & Engineering at UCI.

15 629. Dr. Atanassov earned his MS in Chemical Physics & Theoretical
 16 Chemistry from the University of Sofia (Bulgaria) in 1987. He earned a Specialization in Bio-
 17 electrochemistry from Frumkin's Institute of Electrochemistry in Moscow (Russia) in 1988.
 18 He completed his PhD in Chemistry and Physical Chemistry from the Bulgarian Academy of
 19 Sciences in Sofia in 1992 (degree conferred in 1995).

20 630. Dr. Atanassov's research focuses on several technical fields related to
 21 innovation in engineered materials, development of novel electrocatalysts for fuel cells, and
 22 design of new materials and technologies for power production, energy conversation, and
 23 storage.

24 631. Dr. Atanassov is a prolific scientist. He has published more than 490
 25 peer-reviewed papers that have collectively been cited more than 45,000 times. He is also the
 26 inventor of 67 U.S. patents, many of which have been licensed and form the core of various
 27 catalyst products and catalyst processing and integration technologies.

1 632. DOE's abrupt termination of three of Dr. Atanassov's grants has caused
 2 him and his collaborators financial harm and has harmed the U.S. public, which has lost the
 3 full benefit of his research. His three grants are described in further detail below.

4

5 ARCHES Project – DOE's termination of \$1.2 billion in grants awarded through its Hydrogen
 6 Hubs ("H2") Program

7 633. In September 2022, the DOE's Office of Clean Energy Demonstrations
 8 ("OCED") issued a Funding Opportunity Announcement (DE-FOA-0002779) soliciting
 9 projects that would meet the goal of its new Regional Clean Hydrogen Hubs Funding
 10 Program ("Hydrogen Hubs (or "H2") Program"). The purpose of the H2 Program was to
 11 demonstrate the production, processing, delivery, storage, and end-use of clean hydrogen to
 12 facilitate a clean hydrogen economy, in order to maximize the benefits of clean energy
 13 transition as the United States works to curb the climate crisis, empower workers, and
 14 advance environmental justice.

15 634. The original authorizing statute for the H2 Program was the Energy
 16 Policy Act of 2005, Section 814 (Public Law 109-58). Then, in 2021, Congress required the
 17 Secretary of Energy to establish a program to support the development of "regional clean
 18 hydrogen hubs" that would together create "a network of clean hydrogen producers, potential
 19 clean hydrogen consumers, and connective infrastructure located in close proximity."²²¹ ⁴²
 20 U.S.C. § 16161a(a), (b). The Infrastructure Investment and Jobs Act of 2021, also known as
 21 the Bipartisan Infrastructure Law ("BIL") appropriated \$8 billion over five or more years to
 22 establish at least four of these regional hydrogen hubs.

23 635. Because hydrogen fuel can be produced using any energy source and is
 24 typically produced with conventional energy sources (e.g., natural gas, diesel, or nuclear
 25 power), the BIL additionally embodied Congress' desire to spur technological development of
 26 alternative fuel sources for hydrogen generation, by mandating that *a minimum of one H2 hub*
 27 *must focus on deriving hydrogen fuel from renewable sources, such as solar and wind energy.*

28 ²²¹ See Section 40314 of the Infrastructure Investment and Jobs Act of 2021, Pub. L. No. 117-58,
 135 Stat. 429 (2021) (codified at 42 U.S.C. § 16161a).

1 42 U.S.C. § 16161a(c)(3)(A)(ii) (“at least 1 regional clean hydrogen hub shall demonstrate the
 2 production of clean hydrogen from renewable energy”).

3 636. Consistent with this congressional directive, when DOE in October
 4 2023 made assistance awards to seven hydrogen hubs, these included two “clean hydrogen”
 5 hubs: the Pacific Northwest Hydrogen Hub, and a California Hydrogen Hub.²²²

6 637. California’s Hydrogen Hub goes by the name “ARCHES” (Alliance for
 7 Renewable Clean Hydrogen Energy Systems), sometimes also described as “ARCHES H2.”
 8 ARCHES is a statewide public-private partnership dedicated to advancing the hydrogen
 9 economy and clean energy innovation. California state participants in ARCHES include
 10 multiple UC campuses (UC Irvine, UC Davis, UC San Diego, UC Berkeley) and one of UC’s
 11 affiliated national laboratories (Lawrence Berkeley National Laboratory), which effectively
 12 functions as a separate UC campus and whose workers are UC employees. These five UC loci
 13 form the core of the hydrogen hub’s research and innovation apparatus.

14 638. UC’s partners in ARCHES include other state agencies, the state
 15 legislature, and local governments; nonprofit organizations, such as GO-Biz; and industry
 16 partners, all of which are essential collaborators in bringing technical skills, market
 17 knowledge, practical capacity, and political capability to support and deploy primarily-UC
 18 innovations necessary to build the hydrogen network called for by the BIL.

19 639. In July 2024, in reliance on DOE’s statements and representation about
 20 the Regional Clean Hydrogen Hubs program, ARCHES H2 LLC (the limited liability entity
 21 for the ARCHES partnership) executed a cooperative agreement award for \$1.2 billion with
 22 the DOE (DOE Award Number DE-CD0000041, the “ARCHES Award”)) predicated on UC
 23 researchers’ world-class scientific and engineering knowledge, and capacity to deliver the
 24 technological innovation required for the project’s success.

25 640. The ARCHES project, designed to advance the federal objectives set
 26 forth in the BIL by catalyzing the clean energy industry in California, was already doing

28 ²²² Fuel Cell and Hydrogen Energy Association, *H2 Award Fact Sheet* (Oct. 2023),
<https://fchea.org/wp-content/uploads/2023/10/H2Hub-Award-Factsheet.pdf>.

1 important and indeed extraordinary work during Phase I of the award. The \$1.2 billion that
 2 DOE had committed in summer 2024 had—just over one year later—catalyzed over \$10
 3 billion in committed private industry matching funds, a 10:1 multiplier that would maximize
 4 taxpayer value and deliver significant return on investment for the American people.

5 641. This financial structure was built on 33 signed subrecipients partnering
 6 with hundreds of companies, connecting producers, distributors, and end-users in a short
 7 period of time. These partners advanced 150 distinct projects representing over \$12 billion in
 8 total infrastructure investment.

9 642. Transportation infrastructure also saw significant development, with a
 10 focus on developing hydrogen refueling stations to support deployment of over 1,000 fuel cell
 11 electric buses supported by this comprehensive infrastructure.

12 643. UC researchers across four campuses and LBNL have immersed
 13 themselves in multiple, complex research projects to support ARCHES, including but by no
 14 means limited to: improving fuel cell catalyst technology and analyzing hydrogen markets
 15 (UC Irvine); researching how use of hydrogen in ports would improve local air (UC
 16 Berkeley); researching the air quality improvements that would accrue to the Los Angeles
 17 region if power plants switched from natural gas to hydrogen (UCLA); analyzing and
 18 projecting demand locations and routes for hydrogen-powered trucks (UC Davis); and
 19 studying how to create a first-of-its-kind hydrogen-powered marine research vessel that can
 20 operate cleanly and quietly, enhancing underwater research (UC San Diego's Scripps Institute
 21 of Oceanography).

22 644. Dr. Atanassov had planned to serve as Senior Advisor for Business
 23 Development to ARCHES, including an up-to-half-time transition to ARCHES so that he
 24 could actively participate in establishing ARCHES operations. In connection with this role,
 25 Dr. Atanassov would develop for ARCHES a Hydrogen Technology Certification for the
 26 State of California (and ultimately, for the whole United States) as a public-private
 27 partnership that could provide a stable source of future funding for ARCHES in the form of a
 28 direct industrial revenue stream.

1 645. Moreover, ARCHES was likely to take a leading role in accelerating
 2 clean hydrogen technologies in time for deployment at the Los Angeles Olympic and
 3 Paralympic Games in 2028.

4 646. On October 1, 2025, ARCHES received a letter from Virginia
 5 Crawford in the Office of Clean Energy Demonstrations, announcing that the ARCHES
 6 Award was being terminated “under the authority of 2 CFR § 200.340(a)(4).” The letter
 7 required ARCHES to “cease all project activities after the date of October 1, 2025,” to “not
 8 incur any new project costs,” and to “cancel as many outstanding obligations as possible.”
 9 The basis for the termination was simply that the ARCHES Award “did not pass Standards”
 10 of the DOE’s “Portfolio Review Process Committee,” though it did not provide any further
 11 context.

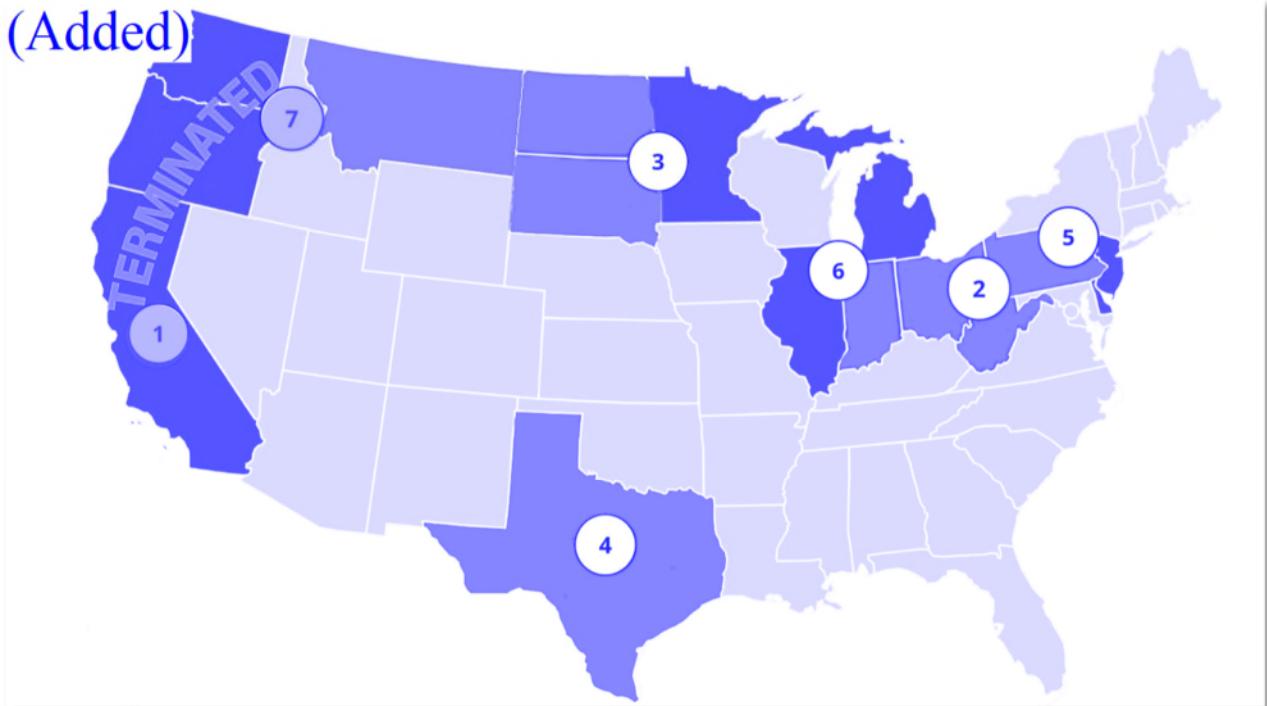
12 647. On October 11, 2025, Dr. Adam Weber, Chief Technology Officer of
 13 ARCHES, sent an administrative appeal letter to DOE questioning the basis for the
 14 termination of the major funding award to ARCHES. The letter described the fiscal soundness
 15 of ARCHES and the responsiveness of the transportation sector to the imminent development
 16 of clean hydrogen. It noted that there was “no legal justification or contractual basis for
 17 terminating the award and revoking the obligated funding.” It further noted that termination
 18 would result in irreparable harm and urged a response by October 21, 2025 as to whether the
 19 termination would be held in abeyance or rescinded.

20 648. As of November 22, 2025, ARCHES had received no response from
 21 DOE.

22 649. In early October 2025, DOE also terminated the one other “green
 23 hydrogen” hub (the Pacific Northwest Hub),²²³ notwithstanding the congressional instruction
 24 in the BIL requiring DOE to fund a minimum of one green hydrogen hub.

27 223 Pacific Northwest Center for Clean Energy Excellence, U.S. Department of Energy Terminates
 28 Projects, PNWH2 Included (Oct. 7, 2025), https://www.cleanenergyexcellence.org/u-s-
department-of-energy-terminates-projects-pnwh2-hub-included/.

650. Notably, as indicated in the graphic below (prepared by Plaintiffs' counsel), DOE has not to date terminated any other hydrogen hubs, all of which encompass significant portions of states that voted for Donald Trump in the 2024 election:



651. The DOE's Hydrogen Hubs Program grants were the largest in the agency's history. Their abrupt termination has correspondingly dramatic consequences for the 29 involved UC researchers; for their scores of government and private project partners; and also, for taxpayers' and society's ability to benefit from the cutting edge, nonpolluting hydrogen infrastructure that ARCHES was in the midst of developing.

Grants to advance fuel cell technology

652. As one of the world's top experts in his field, Dr. Atanassov had two additional DOE grants independent of ARCHES that were intended to advance the state of fuel cell technology—a critical need if hydrogen is to become a significant power source in the future.

653. The widespread deployment of hydrogen fuel cell technology holds
great environmental promise. First, the transportation sector is America's largest source of

greenhouse gases and a major source of smog-forming and toxic air pollutants. Hydrogen fuel cells are a carbon-free, pollution-free alternative to conventional fossil fuels, thereby eliminating climate-forcing and ground-level pollution from any source they power. Second, hydrogen is an additional fuel source, which furthers the United States' energy self-sufficiency. Third, hydrogen can be deployed in vehicles that are otherwise hard to decarbonize, such as planes and cargo ships. Fourth, the United States has the potential to become a world leader in hydrogen fuel cell technology, thus increasing its global competitiveness.

Cathode catalysts

654. On September 13, 2023, DOE granted to Dr. Atanassov Assistance Award # DE-EE0010751 to fund his work on the development of cathode catalysts. The grant was for approximately \$3,000,000.

655. The purpose of the project was to create a major fuel cell catalyst innovation locus. The project aimed to develop cutting-edge catalysts for integration into fuel cells.

656. On October 2, 2025, DOE terminated the grant on the purported basis that it was “not consistent with this Administration’s goals, policies and priorities.” It added that “[t]his project does not effectuate the Department of Energy’s priorities of ensuring affordable, reliable, and abundant energy to meet growing demand and/or addresses [sic] the national emergency declared pursuant to Executive Order 14156.”

657. Executive Order 14156 states that the United States “need[s] a reliable, diversified, and affordable supply of energy to drive our Nation’s manufacturing, transportation, agriculture, and defense industries, and to sustain the basics of modern life and military preparedness.” Declaring a National Energy Emergency, 90 Fed. Reg. 8433, 8433 (Jan. 20, 2025). Further, “[a]n affordable and reliable domestic supply of energy is a fundamental requirement for the national and economic security of any nation.” *Id.*

658. The basis for the termination is incongruous with the project's purpose,
which sought to advance the goals in the Executive Order. Specifically, the project was

intended to (a) lower the cost of hydrogen fuel cells (“affordability”), and (b) make feasible broader deployment of this energy technology (“abundance”), while also increasing U.S. market share and indeed creating the possibility of market dominance in this energy domain.

DOE’s termination letter does not attempt to address this contradiction.

Novel carbon supports

659. On September 24, 2024, DOE granted Assistance Agreement for the Award DE-EE0011347 to fund Dr. Atanassov's work on developing novel carbon supports for metal catalysts. The grant amount of approximately \$5,400,000 over three-and-a-half years.

660. The project represented the opportunity to actualize a line of research contemplated since at least 2010 that involves use of specifically designed carbon materials (in which Cabot Corporation is a global leader) in innovative, scalable manufacturing of catalysts. More specifically, the project's aim was to produce the first industrial-scale, U.S.-manufactured fuel cell catalysts that would be able to fulfill the requirement for 30% "Made in USA" content (a percentage calculated based on manufacturing costs), which enables clean energy projects to receive bonus tax credits under the Inflation Reduction Act.

661. On October 2, 2025, DOE terminated the grant on the basis that “this project is not consistent with this Administration’s goals, policies and priorities.” Further, “[t]his project does not effectuate the Department of Energy’s priorities of ensuring affordable, reliable, and abundant energy to meet growing demand and/or addresses the national emergency declared pursuant to Executive Order 14156.”

662. As with the termination of cathode catalysts, the basis for the termination is impossible to reconcile with the project's purpose, because both projects aimed to advance the goals of hydrogen fuel cell affordability, abundance, and U.S. success in the global fuel cell market.

b. Plaintiff Louise Bedsworth's Grant Termination and Resulting Harm

663. Dr. Louise Bedsworth holds the following positions at the UC Berkeley School of Law: Executive Director at the Center for Law, Energy, and the Environment (“CLEE”), Director of the Land Use Program at the CLEE, and Senior Advisor at the California-China Climate Institute.

664. Dr. Bedsworth submitted to DOE, as Principal Investigator, with the Regents of the University of California, on behalf of the UC Berkeley, a proposal for financial assistance (“Proposal”) for a project titled “Feasibility Study to Co-Create a Community Alliance for Direct Air Capture” (the “CALDAC Project”).

665. As the Statement of Project Objectives for the CALDAC Project

This project will undertake a comprehensive assessment of the technical, social and governance feasibility of establishing a Community Alliance for Direct Air Capture (CALDAC) in California. This innovative effort invites the local community to be the center of Direct Air Capture (DACP) Hub development. The feasibility assessment will include two intersecting and interconnected elements:

- Development of the DAC Hub structure and assessment of the technical feasibility of the DAC Hub, including technology partners, location, business model, and CO₂ storage/utilization/conversion option(s), and
 - Assessment of the social and governance feasibility of an innovative, community-led ownership model and community benefits plan that engages local stakeholders as core partners.

666. The project was designed to test both the technical and social feasibility of a Direct Air Capture (“DAC”) hub. The project included a diverse partnership of DAC companies, energy companies, carbon dioxide to product companies, community organizations (Valley Onward and Central California Asthma Collaborative), and researchers from UC Berkeley, California State University Bakersfield (CSU Bakersfield), California State University Fresno (Fresno State), EPRI, AECOM, PSE Clean Energy, and Lawrence Berkeley National Laboratory.

667. The Proposal to the DOE for the CALDAC Project requested \$2,999,999 from the DOE for the entire project period, for a two-year period (August 1, 2024 – July 31, 2026); Dr. Bedsworth was identified in the Proposal as the Principal Investigator.

1 The requested funds were for the partial salary for Dr. Bedsworth as Principal Investigator,
 2 the partial salary for a Project Manager, funding for two graduate student researchers, and
 3 financial support for 13 sub-awardees, including: Lawrence Berkeley National Laboratory,
 4 CSU Bakersfield, Fresno State University, and four DAC technology providers.

5 668. The DOE granted an award to the Regents of the University of
 6 California, Sponsored Projects Office for a total of two years, for an amount of \$1,105,878 for
 7 the first budget period (August 1, 2024 through April 30, 2025), and an additional award of
 8 \$1,538,928 for the second budget period (May 1, 2025 through July 31, 2026), for a total
 9 award amount of \$2,644,806.²²⁴

10 669. Dr. Bedsworth and her team began work on the CALDAC Project on
 11 August 1, 2024, focusing on stakeholder and community engagement, site selection, and
 12 development of a framework to guide the project.

13 670. On October 2, 2025, UC Berkeley was issued a letter from Vicki
 14 Michetti, the Head of Contracting Activity at the Office of Fossil Energy and Carbon
 15 Management at the DOE, indicating that the grant award was terminated in its entirety. The
 16 termination letter instructed that UC Berkeley researchers “make every reasonable effort to
 17 immediately discontinue project costs after the effective termination date of October 2, 2025.”

18 671. On October 10, 2025, a second letter was issued to UC Berkeley from
 19 Vicki Michetti, which was essentially identical in substance to the previous termination letter,
 20 but indicated that the effective termination date of the grant award was October 10, 2025.

21 672. Both the October 2 letter and October 10 letter stated that the
 22 CALDAC Project no longer “effectuate[s] the Department of Energy’s priorities,” “is not
 23 consistent with this Administration’s goals, policies and priorities,” and that “DAC Hubs
 24 provide no tangible economic benefit. DAC hubs may raise natural gas prices if deployed at
 25 scale.” This statement about DAC hubs is not supported by any evidence. Further, there is no

26 ²²⁴ While the amount of \$1,373,215 was requested for the first budget period, only \$1,105,878 was awarded by the
 27 DOE. The discrepancy is due to an error in how a cost share award from the California Energy Commission was
 28 included in the project budget submitted with the application. The DOE recognized the error and confirmed that it
 would adjust the award amount to the requested amount through an amendment. However, the amendment was never
 amended due to disruptions at the DOE.

1 coherent connection between DOE's reason for termination and what the CALDAC Project
 2 sought to accomplish, which would provide economic benefit as discussed below.

3 673. Dr. Bedsworth, her team, and the public interest have all suffered harm
 4 as a result of the CALDAC Project's grant termination. Termination of this grant has resulted
 5 in financial harm to the CLEE by reducing funds available for researcher and staff salaries.

6 674. Termination of this grant additionally resulted in the loss of a \$300,000
 7 grant from the California Energy Commission and significant cost share contributions from
 8 project partners, which further reduced or eliminated funding for researcher and staff salaries.

9 675. The termination also results in a lost opportunity to conduct novel
 10 research on an emerging technology. This project took an innovative approach to co-develop
 11 the feasibility study with local partners, including local government and local non-profit
 12 organizations. If successful, this could have resulted in a replicable model to accelerate energy
 13 and infrastructure development that benefits project developers and host communities. The
 14 findings of this work would have provided significant opportunity to publish and share novel
 15 research with researchers and policymakers.

16 676. Use of DAC and other carbon removal technologies are needed to
 17 reduce and/or offset carbon emissions. DAC is also an important area of growth in the United
 18 States. Failure to scale DAC will diminish domestic innovation and lead to a loss of job
 19 creation opportunities, which can be especially important in resource-dependent communities.

20 **H. G. Allegations Against Additional Federal Agency Defendants**

21 677. 599. While Plaintiffs' grants were unlawfully terminated by EPA,
 22 NEH, NSF, DOD, and DOT, NIH, and DOE, these agencies are acting no differently than
 23 other federal agencies choosing to ignore their congressional mandates in favor of political
 24 objectives. Indeed, all are acting under the Executive Orders and other unlawful directives
 25 from Defendants Trump and DOGE, rather than under the authority of their statutory
 26 mandates.

27 678. 600. The Federal Agency Defendants are acting in similar, categorical,
 28 and lockstep fashion. Their uniform and categorically unlawful conduct usurps congressional

1 authority and the rights of Class members in the same unlawful way, and it will only increase,
 2 absent the declaratory and injunctive relief requested in this Complaint. The violation of
 3 separation of power principles is still more blatant now that Defendant Trump and the
 4 members of his Cabinet collectively and directly run DOGE. The following allegations
 5 demonstrate that all Federal Agency Defendants have engaged in the same course of conduct
 6 and harmed the members of the UC researchers class in the same way as the Named Plaintiffs
 7 have been harmed, under the same Executive Orders and DOGE directives.

8 679. 601. Class members (researchers in the UC system) receive funding
 9 from an array of federal agencies, and have suffered the same type of harm (abrupt
 10 termination of previously awarded grants under Executive Orders and/or other Trump
 11 administration directives) from the universal terminations perpetuated by Defendants.

12 680. 602. At minimum, the following Federal Agency Defendants have
 13 terminated or will imminently terminate grants to Class members:

14 **1. Department of Agriculture**

15 681. 603. Early into President Trump's tenure, the Department of
 16 Agriculture (USDA) ceded control to DOGE. Secretary of Agriculture Brooke Rollins
 17 announced on February 14, 2025 that she "welcome[d]" DOGE's spending cuts, and that
 18 DOGE would have "full access" as Rollins reviewed "thousands of ...grants" over the first
 19 weeks of her tenure. All of this, according to USDA, would be done "per the President's
 20 directives."²⁰⁶²²⁵

21 682. 604. By March 13, 2025, USDA announced that Rollins had "worked
 22 with [DOGE] to streamline USDA operations by cutting wasteful spending," hyperlinking to
 23 a social media post about a terminated university research grant.²⁰⁷²²⁶

24
 25 ²⁰⁶²²⁵ U.S. Dep't of Agric., *Secretary Rollins Takes Bold Action to Stop Wasteful Spending and*
 26 *Optimize USDA to Better Serve American Agriculture* (Feb. 14, 2025),
 27 <https://www.usda.gov/about-usda/news/press-releases/2025/02/14/secretary-rollins-takes-bold-action-stop-wasteful-spending-and-optimize-usda-better-serve-american>.

28 ²⁰⁷²²⁶ U.S. Dep't of Agric., *Secretary Brooke Rollins Takes Bold Action in First 30 Days at USDA* (Mar. 13, 2025), <https://www.usda.gov/about-usda/news/press-releases/2025/03/13/secretary-brooke-rollins-takes-bold-action-first-30-days-usda>.

1 683. ~~605.~~ USDA also canceled its Partnerships for Climate-Smart
 2 Commodities program, which included research grants to universities.<sup>208²²⁷ USDA stated that
 3 recipients could re-apply for funding if their projects were “aligned with the priorities of this
 4 Administration.”^{209²²⁸}</sup>

5 684. ~~606.~~ USDA grants to UC researchers were terminated, causing serious
 6 harm. On information and belief, researchers received form termination letters.

7 685. ~~607.~~ By terminating grants at the direction of the President and DOGE,
 8 USDA has violated its congressional mandates. Such mandates include, for example,
 9 compliance with and effectuation of the legislative purposes implicit in congressional
 10 appropriations, and 7 U.S.C. § 3157, which establishes a research grant program to “promote
 11 research in food, agriculture, and related areas.”

12 686. ~~608.~~ By effectuating mass terminations of grants to UC researchers
 13 without proper review or clear explanation, USDA acted unconstitutionally and unlawfully, as
 14 set forth in the Claims for Relief asserted below.

15 2. **AmeriCorps**

16 687. ~~609.~~ AmeriCorps has also mass terminated grants in response to
 17 President Trump’s Executive Orders and DOGE directives.

18 688. ~~610.~~ AmeriCorps has stated that it is “taking proactive action to ensure
 19 alignment with . . . the Trump-Vance Administration priorities.” AmeriCorps has also stated
 20 that all grants and grant applications “must comply with President Trump’s executive orders,”
 21 specifically listing the following Executive Orders: “Defending Women From Gender
 22 Ideology Extremism and Restoring Biological Truth to the Federal Government,”
 23 “Unleashing American Energy,” “Ending Radical and Wasteful Government DEI Programs

24
 25 <sup>208²²⁷ See, e.g., Univ. of Idaho, *Secretary Brooke Rollins Takes Bold Action in First 30 Days at*
 26 *USDA* (Apr. 16, 2025), <https://www.uidaho.edu/news/news-articles/news-releases/2025/041625-iamp-termination>.</sup>

27 <sup>209²²⁸ U.S. Dep’t of Agric., *USDA Cancels Biden Era Climate Slush Fund, Reprioritizes Existing*
Funding to Farmers (Apr. 14, 2025),
 28 <https://content.govdelivery.com/accounts/USDAOC/bulletins/3dbe363>.
<https://content.govdelivery.com/accounts/USDAOC/bulletins/3dbe363>.</sup>

1 and Preferencing,” and “Ending Illegal Discrimination and Restoring Merit-Based
 2 Opportunity.”²¹⁰²²⁹

3 689. 611. On April 25, 2025, news outlets reported that DOGE had ordered
 4 AmeriCorps to terminate almost \$400 million in grants.²¹¹²³⁰ This constitutes roughly 41% of
 5 the agency’s total grant funding.

6 690. 612. That same day, UC researchers received form termination letters
 7 that read:

8 Effective immediately, the AmeriCorps award subrecipient(s)
 9 included in the attached spreadsheet is/are being terminated per 2
 10 CFR 200.340(a)(4) because it has been determined that the award no
 11 longer effectuates agency priorities. You must immediately cease all
 12 award activities. This is a final agency action and is not
 13 administratively appealable.

14 691. 613. UC researchers have suffered serious harm as a result of
 15 Defendants’ actions.

16 692. 614. By terminating grants at the direction of the President and DOGE,
 17 AmeriCorps has violated its congressional mandates. Such mandates include, for example,
 18 compliance with and effectuation of the legislative purposes implicit in congressional
 19 appropriations, and 42 U.S.C. 12653 (describing activities AmeriCorps must carry out directly
 20 or through grants).

21 693. 615. By effectuating mass terminations of grants to UC researchers
 22 without proper review or clear explanation, AmeriCorps acted unconstitutionally and
 23 unlawfully, as set forth in the Claims for Relief asserted below.

24 ²¹⁰²²⁹ AmeriCorps, *Grantee and Sponsor Guidance on Compliance*,
 25 <https://www.americorps.gov/grantees-sponsors/grantee-sponsor-guidance-compliance> (last visited
 26 May 28, 2025).

27 ²¹¹²³⁰ Teri Raji, *DOGE Orders major cut to AmeriCorps funding, imperiling agency’s work*, The
 28 Washington Post (Apr. 25, 2025),
<https://www.washingtonpost.com/nation/2025/04/25/american-corps-grant-cuts-doge/>; Sophia Cai &
 Ben Johansen, *DOGE Hits Trump Country*, Politico (Apr. 30, 2025),
<https://www.politico.com/news/2025/04/30/doge-hits-trump-country-00319654>.

1 **3. Department of Education**

2 694. ~~616.~~ Department of Education grants were an early DOGE target. On
 3 February 10, DOGE announced (on X, Elon Musk's social media platform) that it had
 4 terminated 29 "DEI training grants" totaling over \$100 million.²¹²²³¹ DOGE also announced
 5 the termination of 89 other Department of Education contracts. This included contracts made
 6 by the Department's nonpartisan research arm, the Institute of Education Sciences.²¹³²³²

7 695. ~~617.~~ When asked for comment on the terminations, a spokesperson for
 8 the Department stated: "We kindly point you to the X post from DOGE."²¹⁴²³³

9 696. ~~618.~~ On information and belief, Department of Education grant
 10 terminations have caused serious harm to UC researchers.

11 697. ~~619.~~ By terminating grants at the direction of the President and DOGE,
 12 the Department has violated its congressional mandates. Such mandates include, for example,
 13 compliance with and effectuation of the legislative purposes implicit in congressional
 14 appropriations, and specific directives such as 20 U.S.C. §§ 9511, 9512 (establishing Institute
 15 of Education Sciences).

16 698. ~~620.~~ On information and belief, the Department effectuated mass
 17 terminations of grants to UC researchers without proper review or clear explanation, thereby
 18 acting unconstitutionally and unlawfully as set forth in the Claims for Relief asserted below.

19 **4. Department of Energy**

20 621. ~~The Department of Energy (DOE) quickly began department-wide
 21 restructuring pursuant to Trump orders. On February 5, 2025, the Secretary of Energy announced~~

24 ²¹²²³¹ DOGE (@DOGE), *Also today, the Department Of Education terminated 89 contracts worth*

25 \$881mm. (Feb. 10, 2025), <https://x.com/DOGE/status/1889113011282907434>.

26 ²¹³²³² Rebecca Carballo & Juan Perez Jr., *DOGE announces \$881 million in cuts for Education*
Department Contracts, Politico (Feb. 10, 2025),
<https://www.politico.com/news/2025/02/10/education-department-pauses-research-contracts-00203494>.

27 ²¹⁴²³³ Kalyn Belsha, *Crucial research halted as DOGE abruptly terminates Education*
Department contracts, Chalkbeat (Feb. 11, 2025), <https://www.chalkbeat.org/2025/02/11/elon-musk-and-doge-cancel-education-department-research-contracts/>.

1 that DOE would “take immediate action . . . in accordance with President Trump’s executive
 2 orders.”²¹⁵

3 ~~622.~~ DOE began implementing Defendant Trump’s orders with help from DOGE.
 4 In a press release, DOE announced that it was appointing the then-current head of DOGE at DOE,
 5 Carl Coe, as its new Chief of Staff. The press release specified that Coe “has worked closely with
 6 Secretary Wright” in order to effectuate “process improvement and cost savings,” or what DOE
 7 referred to as “DOGE efforts.”²¹⁶

8 ~~623.~~ Soon thereafter, DOE instituted a 15% cap on indirect costs for university
 9 research grants, even while acknowledging that “many grant recipients use indirect cost payments
 10 to effectuate research funded by the Department’s grant awards.” This action was taken to
 11 “deliver[] on President Trump’s commitment” to slash research grants.²¹⁷ ~~The cap has been~~
 12 temporarily enjoined.²¹⁸

13 ~~624.~~ On May 15, 2025, Secretary Wright issued a Secretarial Memorandum titled:
 14 “Secretarial Policy on Ensuring Responsibility for Financial Assistance.”²¹⁹ The memo announced
 15 that DOE would be reviewing prior funding awards to ensure they are “consistent with . . . this
 16 Administration’s policies and priorities.” It also announced an intent to terminate projects.

17 ~~625.~~ DOE stated its review would begin by reviewing 179 awards that totaled over
 18 \$15 billion, and would then extend to other awards.²²⁰

19 ²¹⁵ ~~Chris Wright, Unleashing the Golden Era of American Energy Dominance, U.S. Dep’t of~~
 20 ~~Energy (Feb. 5, 2025), https://www.energy.gov/articles/seeretary-wright-acts-unleash-golden-era-~~
~~american-energy-dominance.~~

21 ²¹⁶ ~~U.S. Dep’t of Energy, DOE Announces New Leadership to Tackle Challenges of Growing~~
 22 ~~Energy Demand (May 2, 2025), https://www.energy.gov/articles/doe-announces-new-leadership-~~
~~tackle-challenges-growing-energy-demand.~~

23 ²¹⁷ ~~U.S. Dep’t of Energy, Department of Energy Overhauls Policy on College and University~~
 24 ~~Research, Saving \$405 Million Annually for American Taxpayers (Apr. 11, 2025),~~
~~https://www.energy.gov/articles/department-energy-overhauls-policy-college-and-university-~~
~~research-saving-405-million.~~

25 ²¹⁸ *Id.*

26 ²¹⁹ ~~Chris Wright, Secretarial Policy on Ensuring Responsibility for Financial Assistance, EXEC-~~
 27 ~~2025-005990, U.S. Dep’t of Energy (May 14, 2025),~~
~~https://www.energy.gov/sites/default/files/2025-05/EXEC-2025-005990%20-~~
~~%20Secretarial%20Policy%20-PRP%20-%205-14-25%20(FINAL)%20(2).pdf.~~

28 ²²⁰ ~~U.S. Dep’t of Energy, Secretary Wright Announces New Policy for Increasing Accountability,~~
~~Identifying Wasteful Spending of Taxpayer Dollars (May 15, 2025),~~
~~https://www.energy.gov/articles/seeretary-wright-announces-new-policy-increasing-~~

1 ~~626. DOE is one of the largest funders of UC research. UC researchers have been~~
 2 ~~or will be seriously harmed by DOE's imminent grant terminations.~~

3 ~~627. By terminating or imminently terminating grants to UC researchers at the~~
 4 ~~direction of the President and DOGE, DOE has violated its congressional mandates. Such~~
 5 ~~mandates include, for example, compliance with and effectuation of the legislative purposes~~
 6 ~~implicit in congressional appropriations.~~

7 ~~628. By effectuating mass terminations of grants to UC researchers without proper~~
 8 ~~review or clear explanation, DOE acted unconstitutionally and unlawfully as set forth in the~~
 9 ~~Claims for Relief asserted below.~~

10 **4. 5. Institute of Museum and Library Services**

11 ~~699. 629. Through an Executive Order, Defendant Trump called for the~~
 12 elimination of the Institute of Museum and Library Services (IMLS).²²¹²³⁴ IMLS grant
 13 activities have been hit particularly hard by Defendants' illegal actions.

14 ~~700. 630. On information and belief, IMLS's mass termination of grants~~
 15 likewise occurred at DOGE's direction. On its social media account X, IMLS wrote: "The era
 16 of using your taxpayer dollars to fund DEI grants is OVER." The post tagged DOGE and
 17 reposted a Fox News post asserting that "Trump's DOGE push slashes millions."²²²²³⁵

18 ~~701. 631. In early April 2025, UC researchers who had previously received~~
 19 IMLS grants received a form letter terminating their grants. It read:

20 This letter provides notice that the Institute of Museum and Library
 21 Services (IMLS) is terminating your federal grant ([Grant
 22 Application No.]) effective April 8, 2025, in accordance with the
 23 termination clause in your Award Agreement. Upon further review,
 24 IMLS has determined that your grant is unfortunately no longer
 25 consistent with the agency's priorities and no longer serves the
 26 interest of the United States and the IMLS Program. IMLS is

27 ~~accountability identifying wasteful~~

28 ²²¹²³⁴ Exec. Order No. 14238, *Continuing the Reduction of the Federal Bureaucracy*, 90 Fed. Reg. 813043 (Mar. 14, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/continuing-the-reduction-of-the-federal-bureaucracy/>.

29 ²²²²³⁵ U.S. Inst. of Museum & Library Servs. (@US_IMLS), *The era of using your taxpayer*
 30 *dollars to fund DEI grants is OVER.* (Apr. 3, 2025),
 31 https://x.com/US_IMLS/status/1907814174693941660.

1 repurposing its funding allocations in a new direction in furtherance
 2 of the President's agenda. Independently and secondly, the
 3 President's March 14, 2025 executive order mandates that the IMLS
 4 eliminate all non-statutorily required activities and functions. See
 5 Continuing the Reduction of the Federal Bureaucracy, E.O. 14238
 6 (Mar. 14, 2025). Therefore, the IMLS hereby terminates your grant
 7 in its entirety effective April 8, 2025. Please contact grant-
 notices@imls.gov with only urgent questions. We wish you well.
 8

9 702. ~~632.~~ UC researchers are concretely harmed by the termination of IMLS
 10 grants.
 11

12 703. ~~633.~~ By terminating grants at the direction of the President and DOGE,
 13 IMLS has violated its congressional mandates. Such mandates include, for example,
 14 compliance with and effectuation of the legislative purposes implicit in congressional
 15 appropriations, and the more general direction in 20 U.S.C. §§ 9108, 9162, 9165, 9175
 16 (notably, the last two sections direct IMLS to “develop a diverse workforce” of library and
 17 museum professionals).

18 704. ~~634.~~ By effectuating mass terminations of grants to UC researchers
 19 without proper review or clear explanation, IMLS acted unconstitutionally and unlawfully as
 20 set forth in the Claims for Relief asserted below.
 21

22 5. 6. Department of the Interior, including National Park Service
 23

24 705. ~~635.~~ The Department of the Interior (DOI) has worked closely with
 25 DOGE to implement Defendant Trump's orders. DOI said that it was “committed to
 26 supporting President Trump's Executive Order” creating DOGE.²²³²³⁶

27 706. ~~636.~~ DOI allowed a DOGE staffer to prepare lists of grants for
 28 termination, flagging those that addressed “climate” or “D.E.I.” As of May 7, 2025, a DOGE
 29 staff member had earmarked many research grants from the National Park Service (NPS) and
 30 other DOI subagencies for future termination.²²⁴²³⁷ DOI has carried out or will imminently
 31 carry out these terminations.
 32

223²³⁶ U.S. Dep't of the Interior, *SO-3429 – Consolidation, Unification, and Optimization of Administrative Function* (Apr. 17, 2025), <https://www.doi.gov/document-library/secretary-order/so-3429-consolidation-unification-and-optimization-administrative>.

224²³⁷ Lisa Friedman, *Trump Administration is Said to Target Park Services*, The New York

1 707. ~~637.~~ By terminating grants at the direction of the President and DOGE,
 2 DOI has violated its congressional mandates. Such mandates include, for example,
 3 compliance with and effectuation of the legislative purposes implicit in congressional
 4 appropriations, and other legislation specifying the functions of individual DOI subunits, such
 5 as NPS.^{[225](#)[238](#)}

6 708. ~~638.~~ DOI has terminated or will imminently terminate grants to UC
 7 researchers, causing concrete harm.

8 709. ~~639.~~ By effectuating mass terminations of grants to UC researchers
 9 without proper review or clear explanation, DOI acted unconstitutionally and unlawfully as
 10 set forth in the Claims for Relief asserted below.

11 **6. 7. Department of State, including USAID**

12 710. ~~640.~~ Early into President Trump's tenure, DOGE set its sights on
 13 USAID, essentially gutting the entire agency.^{[226](#)[239](#)}

14 711. ~~641.~~ USAID terminated grants to UC researchers, causing serious
 15 harm.

16 712. ~~642.~~ By terminating grants at the direction of the President and DOGE,
 17 the State Department has violated its congressional mandates. Such mandates include, for
 18 example, compliance with and effectuation of the legislative purposes implicit in
 19 congressional appropriations, such as the fiscal year 2024 Department of State and Foreign
 20 Operations Appropriations Act.

21 713. ~~643.~~ By effectuating mass terminations of grants to UC researchers
 22 without proper review or clear explanation, the State Department acted unconstitutionally and
 23 unlawfully as set forth in the Claims for Relief asserted below.

24
 25 Times (May 7, 2025), <https://www.nytimes.com/2025/05/07/climate/trump-park-service-grants-cuts.html>.

26 ^{[225](#)[238](#)} See, e.g., U.S. Nat'l Park Serv., *Grants for Cultural Resources, Consultation, and*
Repatriation, <https://www.nps.gov/history/grants.htm> (last visited May 29, 2025), ("Grant
 27 programs fund projects as described or limited by their authorizing legislation.").

28 ^{[226](#)[239](#)} Ellen Knickmeyer, *Trump Administration Fires at Least 1,600 USAID Workers*, AP News
 (Feb. 23, 2025), <https://apnews.com/article/usaid-trump-musk-foreign-aid-firings-a3af8ce6ef17878b718c8e2ed3bf98e4>.

1 **V. The Trump Administration Is Threatening Additional, Illegal Funding Cuts to the**
 2 **UC System**

3 714. 644. In the days leading up to the filing of this complaint, the head of
 4 DOJ's "antisemitism task force," Leo Terrell, announced forthcoming "massive lawsuits"
 5 targeting the UC system. According to Terrell, the DOJ is "going to go after [the UC system]
 6 where it hurts them financially." If recent actions against other universities are any guide, this
 7 will likely include the revocation of additional congressionally allocated grants and funds.
 8 These anticipated cuts, while not directly implicated by this lawsuit, borrow from the same
 9 playbook and are part of the same executive branch scheme of illegally seizing and
 10 weaponizing the power of the purse to harm universities and their faculty, to the great
 11 detriment of the American public.

12 **VI. Unless Enjoined, Grant Terminations Will Cause Irreparable Harm to Plaintiffs, the**
 13 **Class, and the Nation**

14 715. 645. Plaintiffs and the proposed Class have suffered and will continue
 15 to suffer the following injuries as a direct result of Defendants' conduct:

- 16 a. Interruption or abandonment of ongoing research projects as a direct result
 17 of the loss of previously awarded grants;
- 18 b. Attendant reduction of employment for or layoffs of researchers and their
 19 staff;
- 20 c. Career disadvantage, including: loss of opportunities to publish research,
 21 inability to attend project-relevant conferences, and reduced ability to obtain related or follow-on
 22 grants;
- 23 d. Expenditure of considerable time and effort to find substitute funding;
- 24 e. The need to support project team members with discretionary funds, or to
 25 otherwise duct-tape solutions to a massive funding shortfall that first manifests as an immediate
 26 cash flow problem within affected campus research units; and
- 27 f. Reputational injury, including loss of trust from the community partners so
 28 integral to ensuring that public university research is responsive and relevant to local needs.

716. ~~646.~~ These direct, concrete injuries to Plaintiff researchers themselves have an inexorable and damaging ripple effect on the research mission of individual researchers and research teams; on the research mission of the UC system itself; on the citizens of California; and on all Americans, and indeed people throughout the world, who daily benefit from the fruits of UC discoveries, innovations, and inventions.

CLAIMS FOR RELIEF

COUNT I -

Implied Right of Action, Nonstatutory Review, and *Ultra Vires* Actions; Violation of Separation of Powers

717. ~~647.~~ Plaintiffs reallege all paragraphs above as if fully set forth herein.

718. ~~648.~~ This Court has jurisdiction to enjoin federal officials from

11 violating the Constitution, including the separation of powers. *Free Enter. Fund v. Pub. Co.*
12 *Acct. Oversight Bd.*, 561 U.S. 477, 491 n.2 (2010).

13 719. 649. The Constitution empowers Congress to make laws, U.S. Const.
14 art. I, § 1, and requires the President to “take Care that the Laws be faithfully executed,” *id.*
15 art. II, § 3. The “Take Care Clause” assures that, consistent with the structural and functional
16 separation of powers on which our system of government is based—and on which it
17 depends—“Congress makes the laws and the President faithfully... executes them.” *Utility*
18 *Air Reg. Grp. v. Envtl. Prto. Agency*, 573 U.S. 302, 327 (2014) (cleaned up). The faithfulness
19 the Constitution requires of the Executive is not to the President’s views on priorities, but to
20 the laws enacted by Congress as interpreted and enforced by the Courts. Congress’s powers to
21 set the policies of the nation are at their apex when it comes to spending money, as the
22 Constitution “exclusively grants the power of the purse to Congress, not the President.” *City*
23 *& Cnty. of San Francisco v. Trump*, 897 F.3d 1225, 1231 (9th Cir. 2018).

24 720. 650. The executive branch has no constitutional authority to refuse to
25 carry out laws enacted by Congress, and it has no constitutional authority to block, amend,
26 subvert, or delay spending appropriations based on the President's own policy preferences.
27 For nearly two hundred years, it has been established that a president violates the Take Care
28 Clause when he overrides statutes enacted by Congress, or refuses to execute such statutes or

their implementing regulations. *Kendall v. United States*, 37 U.S. (12 Pet.) 524, 613 (1838). The President “is without authority to set aside congressional legislation by executive order.” *In re United Mine Workers of Am. Int’l Union*, 190 F.3d 545, 551 (D.C. Cir. 1999).

721. ~~651.~~ Defendants' decisions to unilaterally cancel duly awarded grants and withhold funding that Congress has appropriated precisely to fund such grants violates the separation of powers.

722. ~~652.~~ Defendants' decisions to delay spending and outright refuse to spend the amounts Congress appropriated violates Congress's power of the purse and the separation of powers.

723. ~~653.~~ Because Defendants' actions violate the separation of powers and are *ultra vires*, they should be declared unconstitutional and enjoined.

COUNT II –

724. ~~654.~~ Plaintiffs reallege all paragraphs above as if fully set forth herein.

725. ~~655.~~ The First Amendment provides that the federal government “shall make no law . . . abridging the freedom of speech.” U.S. Const. amend. I.

726. ~~656.~~ The First Amendment prohibits the government from “regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.” *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995). “Discrimination against speech because of its message is presumed to be unconstitutional.” *Id.* at 828.

727. ~~657.~~ “[E]ven in the provision of subsidies, the Government may not ‘ai[m]at the suppression of dangerous ideas.’” *Nat’l Endowment for the Arts v. Finley*, 524 U.S. 569, 587 (1998) (quoting *Regan v. Taxation with Representation of Wash.*, 461 U.S. 540, 550 (1983) (alteration in original)). In the grant-making context, the government may not reject “a whole class of projects” based on “viewpoint alone,” or use Federal funding to “impose a disproportionate burden calculated to drive certain ideas or viewpoints from the

marketplace.” *Rhode Island Latino Arts v. Nat’l Endowment for the Arts*, No.25-cv-79-WES, 2025 WL 1009026, at *12 (D.R.I. Apr. 3, 2025) (quoting *Finley*, 524 U.S. at 587).

728. ~~658.~~ Defendants’ mass termination of grants to disadvantage or promote particular political and ideological viewpoints is “the product of invidious viewpoint discrimination.” *Finley*, 524 U.S. at 587. In an effort to drive views they disfavored out of the marketplace of ideas, Defendants terminated many grants based on the recipients’ (presumed) viewpoint as reflected in the subject matter of their research. This is most evident in the Termination Notices’ citation to Executive Orders purporting to combat “Radical Indoctrination” and “Radical . . . DEI Programs,” and to further “Biological Truth.” The Termination Notices make plain that Defendants believe that the content of Plaintiffs’ speech conflicts with the Administration’s views, and Plaintiffs’ grants were terminated at least in part for this reason. The First Amendment does not tolerate such viewpoint discrimination.

729. ~~659.~~ Accordingly, Defendants' actions are not in accordance with law and are contrary to constitutional right or power.

COUNT III—

730. Plaintiffs re-allege and incorporate by reference all prior and subsequent paragraphs.

731. The Due Process Clause of the Fifth Amendment prohibits the federal government from denying equal protection of the laws. See *Bolling v. Sharpe*, 347 U.S. 497, 499–500 (1954).

732. In identifying DOE grants to terminate in October 2025, Defendants intentionally treated Plaintiffs differently from similarly situated entities based on the political views of, and votes cast by, the citizens of the state where the prime grantee was located, and the state where the relevant award would be primarily performed.

733. Defendants' reasons for treating Plaintiffs differently from similarly situated entities are arbitrary and irrational.

734. Defendants' differential treatment of Plaintiffs is motivated by animus against the political views of and votes cast by the citizens of the states associated with the awards, based on the location of the prime grantee or where the award would be performed.

735. Defendants lack any rational, legitimate, or compelling governmental interest in treating Plaintiffs differently from similarly situated entities.

736. As a direct and proximate result of Defendants' differential treatment,
Plaintiffs have suffered concrete economic and non-economic harm, including loss of
funding, loss of funding opportunities, loss of access to federally funded programs and
resources, loss of investments, costs of mitigation, diversion of resources, reputational harm,
and chilled association.

737. Through the actions above, Defendants have violated the Due Process Clause of the Fifth Amendment.

COUNT IV

738. ~~660~~-Plaintiffs reallege and incorporate by reference the allegations contained in each of the preceding paragraphs as if fully set forth herein.

739. ~~661.~~ The Due Process Clause of the Fifth Amendment to the Constitution requires due process of law before the deprivation of a constitutionally protected interest.

740. ~~662.~~ Plaintiffs have a constitutionally protected property interest in grant funding that supports their salaries and stipends, as well as their ongoing research. Plaintiffs have relied on this funding, and the protections of federal law governing this funding, in pursuing their research, in hiring staff, in making commitments to research partners, and in many other ways. Plaintiffs also have constitutionally protected liberty interests in their freedom of speech and expression, including academic freedom, and in pursuing their livelihoods.

741. ~~663.~~ Defendants' cancellation or imminent cancellation of federal grant funding does not provide Plaintiffs fair notice or a reasonable opportunity to be heard.

1 742. ~~664.~~ The Due Process Clause also prohibits government actions that
 2 fail to give fair notice of what conduct is forbidden or required. A government enactment is
 3 unconstitutionally vague if it fails to provide a reasonable opportunity to know what conduct
 4 is prohibited or is so indefinite as to allow arbitrary and discriminatory enforcement.

5 743. ~~665.~~ Because of the vagueness in the language of Defendant Trump's
 6 Orders and the Federal Agency Defendants' chaotic efforts to give effect to those Orders,
 7 Plaintiffs are unsure, for example, which areas of study they can pursue, which populations
 8 they can focus on as study subjects, and what the demographics of study participants must be.
 9 This makes it impossible to determine how to reconfigure future research to stay within the
 10 bounds of the agencies' newest "priorities."

11 744. ~~666.~~ Defendants' efforts to purge certain disfavored research from
 12 federal agencies' grant rolls accordingly violates the Due Process Clause.

13 **COUNT ~~IV~~^V**

14 **Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (C): Contrary to Law;
 15 Illegal Departure from Impoundment Control Act, Statutes, and
 16 Regulations**

17 745. ~~667.~~ Plaintiffs reallege all paragraphs above as if fully set forth herein.

18 746. ~~668.~~ The APA directs courts to "hold unlawful and set aside agency
 19 actions, findings, and conclusions found to be ... arbitrary, capricious, an abuse of discretion,
 20 or otherwise not in accordance with law ... [or] in excess of statutory jurisdiction, authority,
 21 or limitations, or short of statutory right." 5 U.S.C. § 706(2)(A),(C). Defendants' actions
 22 violate these provisions, calling on the Court to hold them unlawful and set them aside for
 23 several reasons, including those specified below.

24 747. ~~669.~~ First, by refusing to spend money that Congress appropriated,
 25 Defendants are violating the Impoundment Control Act of 1974 (ICA), and the appropriations
 26 statutes underlying each agency's funding scheme. Under the ICA, a "deferral" includes any
 27 "withholding or delaying the obligation or expenditure of" appropriated funds, as well as "any
 28 other type of Executive action or inaction which effectively precludes the obligation or
 expenditure of" appropriated funds. 2 U.S.C. § 682(1). When the executive branch wishes to

1 defer funds, it must send a special message to Congress detailing the money to be deferred
 2 and the reasons for deferral. There are only three permissible grounds for deferrals, *id.*
 3 § 684(b), none of which includes effort to ensure funds are spent consistent with the
 4 President's new policy priorities.

5 748. ~~670.~~ Defendants' actions constitute a "deferral" because they reflect a
 6 "withholding or delaying [of] the obligation or expenditure of" funds that Congress
 7 appropriated. Defendants did not notify Congress of the deferrals as the ICA requires, nor did
 8 Defendants undertake the deferrals for reasons the ICA permits.

9 749. ~~671.~~ Defendants' actions also constitute an unlawful "rescission" of the
 10 funds appropriated for agency action, including grant-making. Where the President seeks to
 11 "rescind" appropriated funds, the ICA requires, among other things, that the President send a
 12 special message to Congress specifying the funds he seeks to have rescinded and the reasons
 13 for his proposal. 2 U.S.C. § 683(a). The President did not do so.

14 750. ~~672.~~ Second, Defendants are violating the agencies' enabling statutes
 15 and other laws passed by Congress that include grant-making as a directive to the agencies.
 16 The work that Plaintiffs and the Class were awarded grants to perform furthers agency
 17 missions and fulfills specific statutory requirements set by Congress. Withholding the
 18 appropriated funds contradicts Congress's directives.

19 751. ~~673.~~ Third, where grants were issued in accordance with agency-
 20 specific rules and terminated for reasons inconsistent with those rules, Defendants are
 21 violating their own regulations and agreements.

22 **COUNT V—VI**
Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A): Arbitrary and Capricious
Failure to Engage in Reasoned Decision-making

24 752. ~~674.~~ Plaintiffs reallege all paragraphs above as if fully set forth herein.

25 753. ~~675.~~ A reviewing court must "hold unlawful and set aside agency
 26 action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance
 27 with law." 5 U.S.C. § 706(2)(A). Government agencies and officers act in an arbitrary and
 28 capricious manner if they fail to engage in "reasoned decision-making." *Michigan v. EPA,*

1 576 U.S. 743, 750 (2015) (citation omitted). Agency action is therefore lawful only if it rests
 2 “on a consideration of the relevant factors.” *Motor Vehicle Mfrs. Ass’n of United States, Inc.*
 3 *v. State Farm Mut. Automobile Ins. Co.*, 463 U.S. 29, 43 (1983). This principle applies *a*
 4 *fortiori* to agency departures from long settled policy. *Id.*

5 754. ~~676.~~ Further, agency action is arbitrary and capricious if the agency has
 6 “relied on factors which Congress has not intended it to consider, entirely failed to consider
 7 an important aspect of the problem, offered an explanation for its decision that runs counter to
 8 the evidence before the agency, or is so implausible that it could not be ascribed to a
 9 difference in view or the product of agency expertise.” *Id.* Agency action is also arbitrary and
 10 capricious if, when departing from a prior policy, an agency does not “display awareness
 11 that it *is* changing position” or does not “show that there are good reasons for the new
 12 policy.” *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009) (emphasis in original).

13 755. ~~677.~~ Defendants’ mass termination of grants previously awarded to
 14 Plaintiffs and the Class was arbitrary and capricious for many reasons, including (but not
 15 limited to) the following:

16 a. The Termination Notices do not provide a reasoned explanation for grant
 17 cancellations. Rather, the letters sent across all agencies generally state that the grant being
 18 cancelled no longer “effectuates” or is no longer “in alignment” with Agency priorities. That
 19 generic statement is not a reasoned explanation.

20 b. The terminations ignore the reliance interests of grantees. For example,
 21 grantees who had already received some but not all of their awards had already spent significant
 22 time working on the projects funded by their grants. Similarly, many grantees—as their grants
 23 required—took leaves of absence from their jobs, cancelled teaching plans, or otherwise altered
 24 their employment status in reliance on the promise of receiving grant money to support them
 25 while they completed their projects.

26 c. The grant terminations conflict with prior agency decisions to award the
 27 grants without providing adequate explanation for the change in agency position. All class
 28 members received their grants after a rigorous and objective application and review process that

1 necessarily established that funded projects were meritorious and satisfied relevant criteria.

2 Defendants have failed to provide any reason the grants fail to satisfy applicable criteria.

3 d. The mass termination of grants “entirely failed to consider. . . important
4 aspect[s] of the problem.” *State Farm*, 463 U.S. at 43. Among other things, Defendants ignored
5 the waste and inefficiency caused by the terminations, given the investment that Federal Agency
6 Defendants—and by extension, taxpayers—have already made in the terminated projects.

7 e. Defendants likewise failed to consider the significant consequences grant
8 termination will have on the individuals and organizations involved in conducting research, the
9 durability of the institutions in which they work, and on the broader public that will be deprived
10 of benefits meant to accrue from the work accomplished with the grant funding.

11 756. 678. Defendants have failed to adequately justify their actions; have not
12 considered the substantial reliance interests at stake; have relied on factors that Congress did
13 not authorize them to consider; and have not acknowledged or justified their change from
14 prior agency positions.

15 757. 679. In sending standardized termination letters to terminate grants *en*
16 *masse*, Defendants failed to “examine[] ‘the relevant data’ and articulate[] ‘a satisfactory
17 explanation’ for [their] decision, ‘including a rational connection between the facts found and
18 the choice made,’” *Dep’t of Commerce v. New York*, 588 U.S. 752, 773 (2019) (quoting *State
Farm*, 463 U.5S. at 43). The terminations must be set aside under the APA as arbitrary and
20 capricious.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiffs respectfully request that the Court certify a UC Researchers
23 Class pursuant to Fed. R. Civ. P. 23(a)(1)-(4) and 23(b)(2), enter judgment in favor of Plaintiffs
24 and the certified [Form Termination Class, Equity Termination Class, Second Form Termination](#)
[Class, Second Equity Termination Class, Third Form Termination Class, and Equal Protection](#)
[Termination Class \(the “Certified UC Researchers Class”\)](#), and award Plaintiffs and the Certified
26 UC Researchers Class the following relief:

28 A. Declare as unlawful and set aside Defendants’ Termination Notices that

1 terminated grants previously awarded to Plaintiffs and members of the UC Researchers Class, as
 2 violative of the Constitutional separation of powers; the First and Fifth Amendment protections of
 3 free speech and due process; the Impoundment Control Act; agency-specific statutes and
 4 regulations, including congressional directives and appropriations acts; and the Administrative
 5 Procedure Act;

6 B. Declare as *ultra vires* Defendants' decisions and implementation of the
 7 mass termination of grants to Plaintiffs and the UC Researchers Class;

8 C. Grant preliminary and ultimately final injunctive relief to enjoin
 9 Defendants from cutting off agency and grantee access to congressionally appropriated funding,
 10 from giving effect to the violative terminations, or undertaking any similar violative action to
 11 terminate additional duly awarded agency grants; to restore such previously awarded grants; to
 12 require Defendants to provide no-cost extensions to grantees for the time necessary to resume and
 13 complete interrupted work; and to return to the lawful and orderly grant procedures they
 14 employed prior to January 20, 2025;

15 D. Appoint the Named Plaintiffs as Class Representatives, and the
 16 undersigned counsel as Class Counsel, upon certification of a UC Researchers Class pursuant to
 17 Fed. R. Civ. P. 23(g);

18 E. Designate such additional class representatives, class counsel, and sub-
 19 classes as the Court may deem appropriate at any time before final judgment, pursuant to Fed. R.
 20 Civ. P. 23(c)(1)(C) and 23(c)(5);

21 F. Award Plaintiffs and counsel for the Proposed Class reasonable costs and
 22 attorneys' fees; and

23 G. Issue such other relief as the Court deems just and proper.

24
 25
 26
 27
 28

1 Dated: August 29November 24, 2025 By: /s/ Claudia Polsky

2 Erwin Chemerinsky (*pro hac vice* ~~forthcoming~~)
echemerinsky@law.berkeley.edu
3 Claudia Polsky (CA Bar No. 185505)
cpolsky@law.berkeley.edu
4 U.C. BERKELEY SCHOOL OF LAW
Law Building
5 Berkeley, CA 94720-7200
Telephone: 510.642.6483

6

7 Dated: August 29November 24, 2025 By: /s/ Elizabeth J. Cabraser

8 Elizabeth J. Cabraser (CA Bar No. 83151)
ecabraser@lchb.com
9 Richard M. Heimann (CA Bar No. 63607)
rheimann@lchb.com
10 Kevin R. Budner (CA Bar No. 287271)
kbudner@lchb.com
11 Annie M. Wanless
awanless@lchb.com (CA Bar No. 339635)
12 LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
13 275 Battery Street, 29th Floor
San Francisco, CA 94111
14 Telephone: 415.956.1000

15 Dated: August 29November 24, 2025 By: /s/ Anthony P. Schoenberg

16 Anthony P. Schoenberg (CA Bar No. 203714)
tschoenberg@fbm.com
17 Donald E. Sobelman (CA Bar No. 184028)
dsobelman@fbm.com
18 Dylan M. Silva (State Bar No. 306363)
dmsilva@fbm.com
19 Linda S. Gilleran (CA Bar No. 307107)
lgilleran@fbm.com
20 Kyle A. McLorg (CA Bar No. 332136)
kmclorg@fbm.com
21 ~~John J. Darin (CA Bar No. 323730)~~
~~jdarin@fbm.com~~
22 Katherine T. Balkoski (CA Bar No. 353366)
kbalkoski@fbm.com
23 FARELLA BRAUN + MARTEL LLP
One Bush Street, Suite 900
24 San Francisco, CA 94104
25 Telephone: 415. 954.4400

26 *Attorneys for Plaintiffs and the Proposed Class*

1
2
3 **FILER'S ATTESTATION**

4 I hereby attest that each Signatory has concurred in the filing of this document, as
5 indicated by their conformed signatures within this e-filed document.

6
7 Dated: August 29~~November 24~~, 2025
Cabraser~~Anthony P. Schoenberg~~

/s/ Elizabeth J.

~~—Elizabeth J. Cabraser~~

8 Anthony P. Schoenberg

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Summary report: Litera Compare for Word 11.10.1.2 Document comparison done on 11/24/2025 12:36:50 PM	
Style name: FBM	
Intelligent Table Comparison: Active	
Original filename: FOR COMPARISON - UC Researchers Second AMENDED Complaint - 8.29.25 (3301253v7).docx	
Modified filename: 2025-11-23 - UC Researchers Third AMENDED Complaint (DRAFT)(20709500.4).docx	
Changes:	
<u>Add</u>	1089
<u>Delete</u>	825
<u>Move From</u>	28
<u>Move To</u>	28
<u>Table Insert</u>	0
<u>Table Delete</u>	0
<u>Table moves to</u>	0
<u>Table moves from</u>	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	3
Embedded Excel	0
Format changes	0
Total Changes:	1973